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ABSTRACT

The state plan outlines aspects of special education in Kansas. The initial section provides background information and outlines the needs in teaching positions (both professional and paraprofessional) and in the numbers of students receiving special education. The second section addresses the following state department operations: administration and supervision, advisory council for special education. Approval of special education programs, institutions and state schools, and evaluation plans. The bulk of the document is devoted to an analysis of the following local education agency operations: (1) administrative responsibilities, with sections on local administration and supervision of special education, local comprehensive plans, least restrictive environment, cooperative agreements, reimbursement and finances, facilities, and exceptional children enrolled in private schools; (2) procedural responsibilities, including screening, evaluation, placement, and review procedures, procedural due process, and confidentiality; (3) the program areas of early childhood handicapped, gifted, language, speech and hearing impaired, mental retardation, personal and social adjustment, physically and other health impaired, severely multiply handicapped/deaf-blind, specific learning disabilities, and visually impaired; and (4) support service areas, including related services, paraprofessionals in special education, school psychology, school social work, special education instructional materials centers, vocational training for the handicapped, and physical education. (CL)

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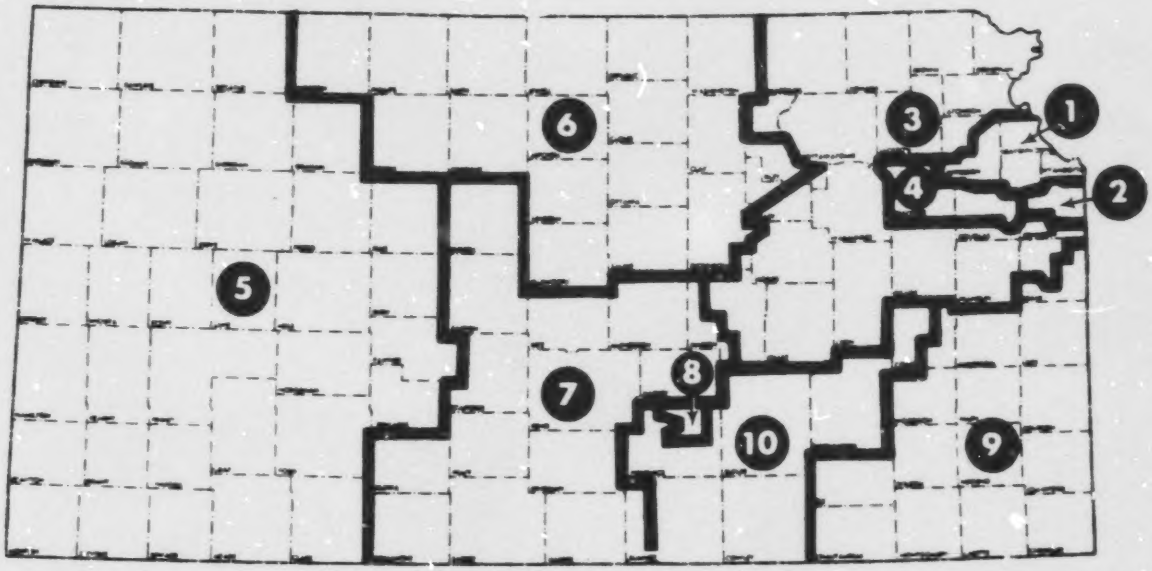

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State Plan
for
Special Education
Effective May 1, 1984

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Incorporation of Article 12 of Kansas Administrative Regulations in the State Plan for Special Education

Under K.S.A. 72-963 the State Board of Education is authorized to adopt regulations for the administration of the special education for exceptional children act and...to implement and give effect to the state plan. Any regulations adopted by the State Board are to be incorporated by reference in the State Plan for Special Education. K.A.R. 91-12-22 *et seq*. are hereby incorporated by reference and made a part of this Plan.

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BACKGROUND AND NEEDS

BACKGROUND AND NEEDS

The commitment of the state of Kansas to the educational welfare of exceptional children is longstanding. Since 1949, when a special education division was created within the Department of Education, steady progress has been made in extending special education services to both handicapped and gifted children. In Fiscal Year 1952, nineteen classes for the mentally retarded and sixty programs for homebound instruction received State reimbursement from the first $80,000 appropriation of State special education funds. In Fiscal Year 1983, $57,587,718 was distributed to 4,988 special educational program units for children in all categories of exceptionality. Additionally, over eight million dollars of Federal funds were allocated to programs for special education students.

Until 1969, legislation regulating the establishment of special education programs was permissive. The first legal mandate (K.S.A. 72-933) required school districts to provide educational services for developmentally disabled children and youth by 1974. The mandate and implementation date were unchanged by the Special Education for Exceptional Children Act of 1974, which revised and recodified the special education laws. Special education programming for all handicapped children and all gifted children is now mandatory (K.S.A. 72-966).

It is the duty of the Kansas State Department of Education annually to review the progress or lack of progress made toward implementing the mandates of K.S.A. 72-933 and K.S.A. 72-966. In order to fulfill this responsibility, the Department makes projections to estimate the number of exceptional children who may require special education services. These data are based upon current Kansas population forecasts and a prevalence rate (13.6 percent) which has been proven in State and national studies to approximate the percentage of the school age population who might be classified as exceptional.

Local education agencies report annually the actual numbers of children within each category who are receiving special education and related services. Comparison of these data with prevalence estimates provides one index by which progress toward provision of full special education services may be judged. It should be noted that local education agencies' End-of-Year Reports represent a duplicated head count. Children receiving multiple services may be counted in two or more categories. Children moving from one district to another or from one special program to another may be counted more than once.

Using known, average pupil/teacher ratios, prevalence estimates can be translated into personnel needs and can serve as guides for State and local planning. Meaningful needs assessment, however, must be a local endeavor. Research has shown that there is significant difference from area to area in the prevalence of the various types of exceptionalities. Variables, such as the age ranges, geographic distribution, and degrees of exceptionality of a specific population, will influence the types and numbers of special education programs needed. Therefore, each local education agency is responsible for conducting an ongoing program which accurately identifies the types and numbers of children requiring special education and defines the resources needed to serve these children. Local boards of education are responsible for the provision of adequate resources, human and other, to provide appropriate special education and related services to all exceptional students within their jurisdiction.

Table I and Table II contain data reported by local education agencies on the numbers of special education professionals and paraprofessionals (in full-time teaching equivalencies) employed in Fiscal Years 1982 and 1983 and the number of budgeted vacancies by program area as of May 1983. The table also shows local education agencies' personnel projections for full services as mandated by the Education of Exceptional Children Act. When determining the amount of Special Education Services Aid (Categorical Aid), the number of paraprofessionals shown on Table II are counted as 0.5 FTE of a professional position.

Table III contains data showing the number of exceptional children receiving special education services by categorical area. These data are based on the Fiscal Year 1983 public school enrollments and the unduplicated child counts required under P.L. 94-142 and P.L. 89-313.

The first special education statute passed in 1949 created a division within the Kansas State Department of Education for the promotion, direction, and supervision of special education. The powers and duties that were delegated to the Division of Special Education under the K.S.A. 72-963 are transferred to the State Board of Education under the current statutory authority of the revised special education bill. In the past, special education operation at the State level has carried out the provisions of the 1949 statute, namely *to promote, direct, and supervise education of exceptional children in the schools of Kansas.* It has not functioned solely as a monitorial and inspectional arm of the Kansas State Department of Education, but rather it has played a leadership and promotional role in the education of exceptional children.

In accordance with the requirements of the new legislation, this document presents the State Plan for providing equal educational opportunity to all Kansas children who are unable to profit from ordinary instructional methods or regular public school classes by reason of unique characteristics which affect learning. This Plan incorporates the requirements of K.A.R. 91-12-22 *et seq.* Included are minimum standards in order to assure that special education services meet the needs of the children for whom they are designed. The Special Education Administration Section, Kansas State Department of Education, in consultation with the State Advisory Council for Special Education, has prepared this Plan for adoption by the State Board of Education. Input for this revision of the Plan has also been received from local education agencies in the state. The State Board of Education is authorized to amend the Plan from time to time (K.S.A. 72-963). Suggestions regarding changes to the Plan are solicited by the State Board of Education and should be transmitted through the Commissioner of Education.

In administering this Plan, standards and guidelines for program operation have been developed. In individual programs with unique needs or circumstances within or beyond the scope of these guidelines, specific cases may be referred for review to the Special Education Administration Section. Consultative services are offered as a part of the supervisory program. In addition, liaison has been established with State and Federal institutions, associations, and organizations, as well as other professional and lay groups.

TABLE I

Professional Teaching Positions

	FY 82 Actual	FY 83 Actual	FY84 Budgeted Vacancies as of May, 1983	Total Positions To Meet Mandate As Reported By LEA's June, 1982
Gifted	311.12	320.30	40.50	380.70
Hearing Impaired	64.52	64.95	-0-	71.10
Learning Disabled	768.20	824.25	15.50	812.50
Personal & Social Adjustment	358.66	387.80	25.00	436.60
Physically Impaired	15.30	17.00	-0-	20.00
Semi-Dependent	149.10	152.80	1.00	149.50
Semi-Independent	434.60	410.40	2.00	394.50
Severely Multiply Handicapped	100.70	99.10	2.00	107.50
Speech Language	374.50	393.92	5.00	397.80
Visually Impaired	24.90	24.00	1.00	25.35
Early Childhood Handicapped	45.64	52.40	2.00	68.50
Homebound/Hospitalized	45.29	50.81	1.00	55.66
Interrelated	435.76	468.81	10.50	463.60
Adaptive Physical Education	11.83	17.50	-0-	21.50
Audiologists	12.10	14.90	-0-	19.38
Counselors	12.00	12.00	1.00	20.20
Nurses	22.43	29.29	-0-	29.70
Occupational Therapists	27.60	32.05	1.20	35.34
Physical Therapists	12.02	17.04	4.40	24.38
School Psychologists	299.20	325.79	3.00	315.40
School Social Workers	90.88	92.83	-0-	116.50
Special Education Instructional Materials Centers	20.00	23.00	-0-	22.30
Special Education Administrators	75.20	79.00	-0-	108.00
Other	45.70	55.18	2.00	76.00
TOTAL	3,757.25	3,965.12	117.10	4,172.01

TABLE II
Paraprofessional Teaching Positions

	FY 82 Actual	FY 83 Actual	FY 84 Budgeted Vacancies as of May, 1983	Total Positions To Meet Mandate As Reported By LEA's June, 1982
Gifted	43.83	61.32	2.50	15.20
Hearing Impaired	52.41	61.25	-0-	57.50
Learning Disabled	376.39	418.25	8.50	399.40
Personal & Social Adjustment	246.69	269.10	5.00	293.50
Physically Impaired	45.84	53.49	1.00	40.90
Semi-Dependent	180.84	181.93	5.00	179.00
Semi-Independent	264.34	269.73	3.00	264.00
Severely Multiply Handicapped	183.10	191.60	1.00	195.50
Speech/Language	63.38	66.19	0.50	60.50
Visually Impaired	22.62	19.65	0.50	20.00
Early Childhood Handicapped	63.08	86.34	-0-	89.70
Homebound/Hospitalized	2.00	2.00	-0-	7.00
Interrelated	233.55	274.92	4.50	296.40
Adaptive Physical Education	3.40	5.80	1.00	10.10
Audiologists	11.68	7.70	-0-	10.60
Counselors	-0-	-0-	-0-	-0-
Nurses	-0-	-0-	-0-	-0-
Occupational Therapists	7.34	9.66	-0-	13.00
Physical Therapists	4.00	5.92	-0-	10.50
School Psychologists	12.76	8.60	-0-	6.00
School Social Workers	17.20	18.40	-0-	3.00
Special Education Instructional Materials Centers	46.88	56.80	4.00	55.95
Special Education Administrators	-0-	-0-	-0-	-0-
Other	27.36	39.92	3.50	42.80
TOTAL	1,908.69	2,108.59	40.00	2,070.55

TABLE III

Number of Students Receiving Special Education in Fiscal Year 1983

	FY 1983 Number of Students in Kansas Receiving Special Education by Exceptionality. Source: Oct. 1 P.L. 89-313 Count and Dec. 1 P.L. 94-142 Count	FY 1983 Percent of Kansas School Enrollment Receiving Services*	FY 1983 Number of Students in U.S. Receiving Special Education by Exceptionality Source: Education Department Reported in June 29, 1983 Education of the Handicapped.	FY 1983 Percent of National Enrollment Receiving Special Education**
Hearing Impaired	771	0.176%	73,945	0.18%
Learning Disabled	16,190	3.696%	1,741,054	4.33%
Personal Social Adjustment	4,323	0.987%	353,215	0.88%
Physically and Other Health Impaired	770	0.176%	109,524	0.27%
Mentally Retarded	6,779	1.548%	775,816	1.93%
Severely Multiply Handicapped	775	0.177%	68,257	0.16%
Speech/Language Impaired	14,274	3.259%	1,135,105	2.83%
Visually Impaired	277	0.063%	28,646	0.07%
TOTAL HANDICAPPED	44,159	10.081%	4,285,606†	10.67%
Gifted	10,137	2.31%	Not Reported	
TOTAL EXCEPTIONAL	54,296	12.39%		

* Based on FY 1983	Public School Enrollment	407,074
	Private School Enrollment	29,496
	State School/Institution	1,478
		438,048

** Based on *FY 1982* Public School Enrollment

† This column totals 4,285,562, indicating a difference of 44 from the number reported by the Education of the Handicapped.

STATE DEPARTMENT OPERATIONS

STATE DEPARTMENT ADMINISTRATION AND SUPERVISION

DEFINITION OF EXCEPTIONAL CHILDREN

Exceptional children are defined in K.S.A. 72-962 as those who *differ in physical, mental, social, emotional, or educational characteristics to the extent that special education services are necessary to enable them to progress toward the maximum of their abilities or capacities.* Such children include the mentally retarded, specific learning disabled, gifted, hearing impaired, language impaired, speech impaired, personally and socially maladjusted, physically impaired, other health impaired, severely multiply handicapped/deaf-blind, and visually impaired. Expanded definitions of the various areas of exceptionality are provided in the program area sections in this Plan.

DEFINITION OF SCHOOL AGE

As required by K.S.A. 72-962, the definition of school age for exceptional children has been determined by the State Board of Education. *'School age' means from the age at which the local board of education provides educational services for non-exceptional children, to and including the school year in which the exceptional child reaches age 21 or completes a local curriculum, in accordance with the state board of education standards, whichever event occurs first* (K.A.R. 91-12-22(ii)).

Authorization for Preschool Programs

Local education agencies may, and are encouraged to, provide programs for exceptional children prior to the age of regular schooling. Preschool programs for exceptional children have been authorized by law since 1969. This authority originated under K.S.A. 72-67, 115. *'Preschool age' means birth to school age for exceptional children. Services for preschool children are authorized but not mandated, and nothing in these rules and regulations shall be construed to prevent the use of local funds or state special educational categorical funds for preschool programs* (K.A.R. 91-12-22(cc)).

DEFINITION OF SCHOOL DAY/SCHOOL TERM

'School term' and 'school day,' for exceptional children of school age, means the period of time prescribed in K.S.A. 72-1106, and any amendments to that statute, except as otherwise prescribed in this subsection. Shorter periods of time may be prescribed for exceptional children six years of age or younger, and, on an individual basis, for those children whose physical or emotional needs, or both, are such that a shorter period is advisable. Any period of time shorter than that prescribed by statute shall be determined by the individualized education program conference team of the child and shall be included and certified in the individualized education program of the child (K.A.R. 91-12-22(mm)).

DEFINITION OF COMPULSORY ATTENDANCE

Article 9 of Chapter 72, Kansas Statutes Annotated requires each local education agency to provide special education services to each exceptional child of school age as defined in Kansas Administrative Regulations 91-12-22(ii). (See definition of School Age above.) The general compulsory school law, K.S.A. 72-1111, requires the attendance of all children between the ages of seven and sixteen in an educational program. Any child determined to be an exceptional child under the provisions of Article 9 of Chapter 72 is exempt from the provisions of 72-1111, but is subject to the compulsory attendance provisions of Article 9. When it has been determined, through required due process procedures, that special education services are necessary for a handicapped child of school age, it is the duty of the lawful custodian of such child to require such child to enroll for and attend the special education services (K.S.A. 72-977). This requirement does not apply to gifted children or to lawful custodians of gifted children. *Compulsory attendance for handicapped children means required attendance in special education services if a determination has been made, as prescribed in K.S.A. 72-972 to K.S.A. 72-975, inclusive, and any amendments to these statutes, that a child is a school age handicapped child and that special education services are necessary for that child* (K.A.R. 91-12-22(d)).

RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION

The State Board of Education is established by the Kansas constitution and is charged with the responsibility for the *...general supervision of public schools, educational institutions, and all the educational interests of the state, except educational functions delegated by law to the state board of regents.* (Kansas Constitution, Article 6, amendment adopted at General Election, November, 1966.) The State Board of Education is authorized to be the controlling and supervising board for the Kansas State School for the Deaf (76-1001a) and the Kansas State School for the Visually Handicapped (76-1101a). Under K.S.A. 72-970 general supervision of special education services for exceptional children housed and maintained in State institutions is given to the State Board of Education. Therefore, in providing programs for exceptional children in State schools and institutions, the State schools and the Special Education Administration Section shall show cooperative effort and coordination in educational program planning.

State Board of Education's responsibilities specific to the administration and supervision of special education are cited in K.S.A. 72-963.

The state board may adopt rules and regulations for the administration of the special education for exceptional children act and shall adopt rules and regulations necessary to implement and give effect to the state plan. Rules and regulations adopted by the state board to implement and give effect to the state plan shall include the following:

- *(a) Provisions for the establishment, maintenance, and supervision of special education services in school districts and state institutions.*
- *(b) Prescribed courses of study and curricula necessary to meet requirements for approval of special education services.*
- *(c) Criteria for screening, diagnosis and certification of exceptional children including physical, educational and psychological examinations. No child from a home in which English is not the principal language may be assigned to special education services for exceptional children until such time that the child has been given, in the principal language used in the home of the child, examinations reasonably related to the child's cultural environment.*
- *(d) Definitions of the various categories of exceptionality.*
- *(e) Implementation dates of special education services for the various categories of exceptionality.*
- *(f) Standards for special education services to be received by each of the several categories of exceptional children.*

Rules and regulations adopted by the state board to implement and give effect to the state plan shall be incorporated by reference in the state plan.

Article 12 of Kansas Administrative Regulations sets forth the rules and regulations adopted by the State Board.

NAME AND DESIGNATION OF STATE BOARD

The State Board of Education has the major responsibility for the administration of the *State Plan for Special Education* and for the general supervision of local education agencies.

EXECUTIVE OFFICER DESIGNATION

The Commissioner of Education is the executive officer of the State Board of Education and is appointed by that Board. The Commissioner is the administrative officer of the State Board of Education of all educational matters and functions under its jurisdiction. Under the policies and procedures adopted by the State Board of Education, the Commissioner directs the work of all persons employed in the Kansas State Department of Education.

The Assistant Commissioner of Education Services is responsible to the Commissioner of Education and the State Board of Education. He administers policies approved by the State Board of Education for the organization and operation of instructional programs, including the Special Education Administration Section.

The Director of the Special Education Administration Section is the chief administrator of special education and is responsible through the Assistant Commissioner of Education Services to the Commissioner in regard to related policies and procedures approved by the State Board of Education.

RESPONSIBILITIES OF THE SPECIAL EDUCATION ADMINISTRATION SECTION

Through authority delegated by the State Board of Education, the Special Education Administration Section is responsible for developing and recommending standards for the implementation and maintenance of special education services and for supervising these services in school districts, private facilities, and State institutions. All Federal programs for exceptional children should be coordinated with the Special Education Administration Section. State institutions include both those under the authority of the State Board of Education and State Department of Social and Rehabilitation Services as specified in K.S.A. 72-961 through 72-963. These two laws require that Special Education Administration Section maintain liaison with other programs working with exceptional children and assume leadership in implementing an interagency approach. The mission of the Special Education Administration Section is to provide leadership at the State and local levels in implementing full and appropriate educational services to all exceptional children. Programs of the Special Education Administration Section include the following:

Semi-Independent (Educable Mentally Retarded),
Semi-Dependent (Trainable Mentally Retarded),
Learning Disabilities,
Hearing Impaired,
Interrelated,
Physically and Other Health Impaired,
Gifted,
Personal and Social Adjustment,
Severely Multiply Handicapped/Deaf-Blind,
Visually Impaired,
School Psychology,
School Social Work,

Speech and Language Development,
Special Education Administration, and
Special Education Instructional Media.

PHILOSOPHY

In 1972, the State Board of Education adopted as the first goal of education in Kansas the *continuous and successful acquisition of skills, knowledge, and attitudes which are appropriate and conducive to individual personal growth and development necessary for a productive and satisfying life in a changing society.* The second statewide goal is to *provide programs specific to the needs of all groups.* The Kansas State Department of Education operates under the philosophy that these goals are appropriate to instructional programs for all exceptional children.

The Special Education for Exceptional Children Act defines exceptional children as those who *differ in physical, mental, social, emotional, or educational characteristics to the extent that special education services are necessary to enable them to progress toward the maximum of their abilities or capacities,* and mandates the provision of educational opportunities which will contribute to the optimal development of each such child in the state. This definition and this mandate include children with significant learning assets as well as those with learning problems or handicaps.

Since there are great differences among exceptional children and youth, a wide variety of instructional options must be made available in order to meet their needs. For the handicapped, these options will range from programs of continuous supervision in which the objectives of instruction are the acquisition of the most basic daily living skills to minimal support services for learners in regular classrooms. For the gifted, services may range from intensive long-term, student-special teacher interaction to structures in which a special teacher arranges meaningful learning experiences entirely within the framework of existing regular educational programs. For *all* exceptional children, programming must be flexible and subject to continuous evaluation in order that an appropriate level of service may be assured. An appropriate level of service is that which allows for the greatest degree of student growth in the educational environment the most similar to that provided for nonexceptional learners.

Most exceptional children can profit from some integration in a regular class program provided that they are properly scheduled and provided with supportive or ancillary services. This implies that special educators must think of themselves as a part of, not apart from, general education. Special education programs should also be articulated with those of agencies offering social, rehabilitative, physical, and mental health services to exceptional children. Coordinated and cooperative efforts with all personnel working to improve the home, school, and community environment of children will greatly strengthen special education programs.

GOALS OF STATE ADMINISTRATION

In order that the above philosophy may be implemented, the Kansas State Department of Education's goals for special education are as follows:

1. To provide leadership and assistance in special education program planning and development to ensure full implementation of the Special Education for Exceptional Children Act and the Education for All Handicapped Children Act. Emphasis shall be given to innovative and/or improved procedures for providing quality special education services and to collaborative efforts among other public and private agencies.

2. To monitor and/or supervise all educational programs for exceptional children, regardless of funding source or facility in which these programs are provided.
3. To develop and establish evaluation procedures at both State and local levels, in order to facilitate planning, programming, and budgeting.
4. To develop and implement a comprehensive system of personnel development for persons who work with exceptional students.
5. To administer State and Federal programs for the education of exceptional children.

STATE ADVISORY COUNCIL
FOR SPECIAL EDUCATION

To provide for representative and statewide participation in decision-making related to the education of exceptional children, a State advisory council was established in the Special Education for Exceptional Children Act. *'State special education advisory council' means a lay and professional council consisting of nine members appointed by the state board of education. This council shall offer advice, consultation and recommendations to the state board on matters concerning special education services for exceptional children* (K.A.R. 91-12-22(vv)).

One of the major functions of the advisory council is to serve as a liaison between the statewide populace and the Kansas State Department of Education. To effectively represent the citizenry of Kansas, council members should be knowledgeable and informed relative to public and private interests in special education for exceptional children.

Consumer communication with the council is encouraged and may be accomplished through contact with any council member or the secretary to the council. Local education agency personnel, school patrons, students, lay community persons, private sector, public and private agencies, and educators at all levels are encouraged to submit relevant issues, questions, and problems to the council for consideration and action.

Role of the Council

The State Advisory Council for Special Education was created to act in an advisory capacity to the State Board of Education. Its charge is to consider problems related to exceptional children, make recommendations to the State Board concerning special education services, and advise in the development and implementation of the *State Plan for Special Education*. Meeting dates and places for the advisory council, determined by the council chairman or the State Board, shall be scheduled as needed to fulfill the duties outlined in the Special Education for Exceptional Children Act.

Council Membership

All appointments to the advisory council are made for a fixed term not to exceed three years. When a vacancy occurs for any reason other than the expiration of the term of a member, the State Board will appoint a successor for the remainder of the unexpired term. The State director for special education serves as secretary to the council.

The State Board appointment policies for this advisory council include the following:

1. Advisory council members will serve no more than two full terms (three years per term);
2. All geographical areas will be represented where feasible;
3. As required by K.S.A. 72-964, membership shall be representative of community, organizational, and educational groups interested in the education of exceptional children. Representation will include —
    a. Teacher training institutions,
    b. General school administration,

c. Special education administration,
d. Private schools,
e. Teachers of exceptional children,
f. Handicapped individuals,
g. Advocacy groups,
h. Special education categorical areas, and
i. Local boards of education.

Because the statute limits the size of this council, individual members are often chosen to represent more than one field or special interest group.

STATE APPROVAL OF SPECIAL EDUCATION PROGRAMS

DEFINITIONS

Categorical Service Unit

'Categorical service unit' means a plan for the delivery of special education services under which exceptional children within one of the categorical areas of exceptionality are provided services in the same educational program (K.A.R. 91-12-22(c)). While instruction focuses on commonly identified needs of the categorical grouping, attention is given to the various degrees of need and age levels of individual learners. Standards specific to the various areas of exceptionality are found in the appropriate program area sections of this Plan. Certification requirements for instructional personnel are set forth in the *Regulations for Certifying School Personnel and Accrediting Institutions and Approving Programs Offering Teacher Education.* Together these requirements shall constitute the basis for State approval.

Interrelated Service Unit

'Interrelated service unit' means a plan for the delivery of special education services under which exceptional children with similar learning characteristics and needs, but from two or more categories of exceptionality, are provided services in the same educational program (K.A.R. 91-12-22(s)). Instruction takes place in a multi-categorical setting with a teacher trained in at least one of the exceptionalities served. Instruction focuses on the common learning characteristics or curricular needs of the students, with individual consideration for needs arising from specific categorical characteristics. Standards specific to interrelated service units are found in this section of the Plan.

Special Purpose School

'Special purpose school' means any school for exceptional children which is operated by a private nonprofit corporation or a public or private institution, within or without the state of Kansas, and at which special education services, approved by the commissioner of education, are provided (K.A.R. 91-12-22(ss)).

Developmental Preschool

'Developmental preschool' means those schools, operated by private nonprofit corporations or foundations, that serve handicapped children under school age (K.A.R. 91-12-22(g)).

INTRODUCTORY STATEMENT

The State Board is charged with responsibility for ensuring the availability of appropriate special education services to all exceptional children in Kansas. As required by K.S.A. 72-963, standards and criteria have been set forth in this Plan. Special education programs provided by local education agencies must meet these standards and criteria in order to —

1. Provide the services mandated by K.S.A. 72-933, K.S.A. 72-966, and P.L. 94-142;
2. Qualify for State and Federal special education funds; and
3. Retain State accreditation.

The following procedures have been established to clarify State approval procedures and to assist local education agencies in fulfilling their responsibilities.

CRITERIA FOR STATE APPROVAL

General Criteria

Sufficient educational alternatives must be provided to meet the diverse needs of all children with various types and degrees of exceptionality. Special education service units may be organized categorically or across categories and may be delivered through numerous delivery models. State approval of any special education service unit is contingent upon:

(1) *The employment of personnel properly certificated and endorsed in their assigned categories of exceptionality and level of instruction;*
(2) *compliance with pupil-teacher ratios;*
(3) *the development and offering of curricula appropriate to student needs;*
(4) *facilities comparable to those provided non-exceptional children;*
(5) *compliance with identification, individualized education program, placement, and review procedures;*
(6) *appropriate licensed or certificated support personnel;*
(7) *other necessary related services; and*
(8) *approval delivery model or models* (K.A.R. 91-12-23(a)).

Approvable Delivery Models

Compliance with the least restrictive environment principle requires that each local education agency provides a variety of placement options sufficient to meet the needs of children with all types and degrees of exceptionalities. K.A.R. 91-12-23(a)(8) specifies: *The following plans for delivering special education services may be approved. With the exception of home-based and homebound instruction, these models may be implemented through either categorical or interrelated service units. Combinations of delivery models also may be approved.*

(A) *Home-based instruction;*
(B) *regular education with support services only;*
(C) *consulting teacher plan;*
(D) *itinerant teacher plan;*
(E) *resource room plan;*
(F) *self-contained special class;*
(G) *special day school;*
(H) *residential school;*
(I) *hospital instruction; or*
(J) *homebound instruction.*

These plans are described in the LEAST RESTRICTIVE ENVIRONMENT section of this Plan.

Request for Approval of Innovative Options for Least Restrictive Environments

Local education agencies are encouraged to modify existing models and to develop new ones, such as specialized support systems to maintain moderately handicapped children in the regular school setting.

Prior approval of innovative delivery models is required. *Local education agencies shall submit a written plan to the special education administration section for review and approval, or disapproval, of innovative delivery models for which there are no standards.*

Any plans shall include:

- *(1) The name by which the model may be identified;*
- *(2) a statement of the specific purpose or special education need or needs to which this delivery model will respond;*
- *(3) a description of the type of special education services to be provided and the projected length of time the services will be provided;*
- *(4) the procedures for selecting students to be served;*
- *(5) the number of children to be served; and*
- *(6) the instructional level or levels to be included* (K.A.R. 91-12-23(b)).

STANDARDS FOR HOMEBOUND AND HOSPITAL INSTRUCTION

Homebound and Hospital Instruction

Approval of homebound instruction is treated as a separate case not only because it is the most segregated of all delivery models but also because of its legislative history. In the past a special State fund was established to support educational services for children unable to attend school because of severe and/or chronic physical impairments. For this reason home and hospital instruction has come to be considered by many as a separate category of exceptionality. In practice, home and hospital instruction is a delivery system — an alternative which provides educational services outside of the school setting for physically or other health impaired children and, in some cases, children with personal and social adjustment problems. (See PERSONAL AND SOCIAL ADJUSTMENT PROGRAMS section.) *An individualized education program shall be developed for each student prior to the implementation of homebound or hospital instruction* (K.A.R. 91-12-24(b)).

Applications

Individual applications for each child receiving homebound services or part-time instruction must be filed annually with the Special Education Administration Section. *Local education agencies shall have an application completed, properly signed, and submitted to the state department of education as soon as it is determined through the individualized education program conference that a child is in need of homebound services* (K.A.R. 91-12-24(a)). Since the diagnosis of pregnancy is not acceptable as a medical disability applications for pregnant students to receive homebound services in excess of two months must include justification of medical complications.

An application must be filed for all homebound/hospital services which are provided during the current fiscal year. Applications for homebound/hospital services received after June 1 of the fiscal year will not be eligible for reimbursement.

Personnel

Local education agencies may employ appropriately certified special education personnel for home or hospital instruction. Due to motor vehicle regulations, homebound services for driver education must be approved by the education specialist in the driver education unit of the State Department of Education in addition to the Special Education Administration Section. *Homebound and hospital instructional services shall be provided by individuals with a Kansas teaching certificate valid at the level of instruction to be provided. At the secondary level, part-time instruction shall be provided by teachers certified in the subject areas in which the child is enrolled. A teacher certified at the secondary level may serve as a coordinator between the child and the child's subject area teachers* (K.A.R. 91-12-24(c)). An instructor certified as a substitute teacher may work only as a coordinator at the appropriate level. Only teachers/coordinators providing direct services to homebound/hospital students are eligible for reimbursement to the local education agency. The number of instructional hours for which a district will claim reimbursement will be translated into full-time teacher equivalencies. (See REIMBURSEMENT and FINANCES section.)

STANDARDS FOR INTERRELATED SERVICE UNITS

Purpose

Interrelated service units allow exceptional children with different handicapping conditions to be grouped in accordance with their similar learning styles rather than in accordance with traditional categories. In implementing interrelated service units, local education agencies will give emphasis to the following:

1. Minimizes the negative effects of labeling children, and
2. Allows more special education students to remain in their district or school of residence.

Interrelated programs shall not be initiated because appropriately certificated personnel are not available to implement needed categorical programs. Interrelated programs shall be monitored closely by the special education administration section (K.A.R. 91-12-25(c)).

Identification and Placement

Before any child is placed in an interrelated service unit, the comprehensive evaluation and individualized education program procedures prescribed in K.A.R 91-12-40 and 91-12-41 shall be used:

(1) To document that child's need for special education and related services;
(2) to determine whether placement in an interrelated service unit best meets the needs of that child; and
(3) to establish the primary category of exceptionality of the child for the purpose of reporting and establishing eligibility for state and federal funding (K.A.R. 91-12-25(a)).

Criteria for State Approval

K.A.R. 91-12-25(b) states: *Before any local education agency establishes and operates an interrelated service unit, it shall submit to the special education administration section, a written plan describing in detail the services to be offered in the unit. The special education administration section shall review and approve or disapprove the plan. Approval of interrelated service units shall be contingent upon the following:*

(1) Systematic and ongoing evaluation of program and product effectiveness;
(2) availability of alternatives for delivery of special education services to children who are not appropriately served in interrelated service units;
(3) teaching personnel with at least provisional endorsement in one of the major categories of exceptionality being served in the interrelated service unit. On and after July 1, 1984, teachers shall be required to have full endorsement in one of the major categories of exceptionality being served in the interrelated service unit;
(4) provisions for providing instructional personnel with assistance from appropriately trained categorical specialists or support personnel as necessary;
(5) adequate supervision and support systems for teachers of interrelated programs; and
(6) class size and caseload which do not exceed the lowest maximum enrollment for any of the categorical groups of students served in the delivery model being used. An example may be, if LD and PSA students are receiving services in a resource room, the maximum caseload would be fourteen as specified in the PSA standards for a resource room rather than eighteen as allowed in the LD standards.

PROGRAM APPROVAL PROCEDURES

The following procedures are used by the Kansas State Department of Education to approve individual special education program units and to ensure that the local education agency is implementing services for exceptional children in compliance with State and Federal laws. Both programs and procedures must be in order as a condition for State and Federal special education funding.

Local Comprehensive Plan for Special Education and Annual Survey

On August 15 of each year, each local education agency shall submit to the Special Education Administration Section its local comprehensive plan (or update thereof) for providing appropriate special education services to all exceptional children of school age residing within the district. (See LOCAL COMPREHENSIVE PLANS section.) Each local comprehensive plan is reviewed by Department staff, and a written notice of areas of deficiency is returned to the local education agency. Through this initial review, the Department staff responsible for monitoring special education programs are alerted to possible cases of noncompliance with State and Federal requirements; site visits are made as necessary.

The annual survey reports the number and type of special education programs and support services which the local education agency plans to implement in the following fiscal year. A three-year projection of programs also is included. State Categorical Special Education Funds are encumbered for the local education agency on the basis of this report.

In combination, the annual survey and the local comprehensive plan serve as the major portion of the local education agency's application for funding under Part B, Education of All Handicapped Children Act (P.L. 94-142). An approved plan must be on file by October 15 in order to receive Part B funds for that fiscal year.

Personnel Approval

In order to qualify for State categorical reimbursement, each local education agency must submit the names, social security numbers, and positions of all *special teachers*, including teachers, paraprofessionals, and support personnel. The qualifications of each person named shall be verified by the Special Education Administration Section. Updates of this list shall be submitted in July, September, January, and May. Categorical reimbursement is prorated for personnel employed after September 15.

Categorical reimbursement also is prorated for personnel employed less than full time. Unless approved by the Special Education Administration Section, no reimbursement will be made for staff employed less than half time. Approval of such requests will take into consideration the nature of the service to be provided and the local education agency needs. Supportive therapy for low incidence populations is one example of the type of request that will be approved.

Program Approval

Program approval is contingent not only upon the approval of personnel, but also upon compliance with the standards of K.A.R. 91-12-22 *et seq.* in regard to identification and placement procedures, class size and age range, facilities, and curricula. Requests for approval of variations from standards shall be made to the Special Education Administration Section. Such requests shall describe the nature of the variation and provide a rationale or justification.

Programs will be monitored through on-site visits by Special Education Administration Section staff. Additionally, complaints involving alleged noncompliance may be made in writing to the Special Education Administration Section. If, upon investigation, noncompliance is established, the local education agency shall be warned and given a time line for remedying the specific deficiencies cited. Technical assistance from the staff of the Special Education Administration Section will be made available, if requested, to assist districts in attaining approvable status.

ACCREDITATION OF SPECIAL PURPOSE SCHOOLS

Kansas State Department of Education Accreditation Procedure

Initial requests for accreditation as a special purpose school, as well as subsequent organization reports and self-study reviews, shall be submitted to the certification and educational assistance sections (K.A.R. 91-12-26(a)).

On-site visits will be made to determine eligibility for accreditation as a special purpose school. The criteria set forth in Bulletin 401 shall be the basis for accreditation. *Any recommendations for or against accreditation shall be filed with the certification and educational assistance sections* (K.A.R. 91-12-26(b)). The recommendations will be forwarded to the State Board of Education for action.

Kansas State Department of Education Approval

To be approved as a special purpose school, the school must be accredited by an agency of the state of Kansas or by the state in which the private school or institution is located. *If the accrediting or approving agency is outside of the Kansas state department of education, the school or institution shall also be subject to approval by the special education administration section* (K.A.R. 91-12-26(c)). The curriculum must meet criteria set by the Special Education Administration Section and approved by the State Board of Education. Such approval shall be obtained each year.

APPROVAL OF DEVELOPMENTAL SPECIAL PRESCHOOLS

K.A.R. 91-12-27 allows for the approval of developmental preschools. *(a) Requests for approval as a developmental special preschool shall be submitted to the special education administration section.*

(b) To be approved, a developmental special preschool shall:
(1) Meet the general criteria for state approval and the standards for early childhood handicapped services; and
(2) be licensed by the Kansas state department of health and environment as a child care center.
(c) Each developmental special preschool shall obtain Kansas state department of education approval before applying for federal education funds or entering into contracts or agreements with local education agencies.

COMPLAINT PROCEDURES

Individuals or agencies may report a local education agency whose procedures are suspected to be not in compliance with state or federal law or regulations (K.A.R. 91-12-28(a)(1). Some complaints may involve issues which can be resolved through due process while others may require system-wide corrective action. Procedures for handling these two types of complaints, individual due process issues and system-wide procedural noncompliance, are as follows:

Individual Due Process Issues

Individual due process issues are those concerned with (1) special education and/or related services being provided or denied to a specific child or (2) procedural due process for a specific child. Parents who believe that a local education agency is not fulfilling its legal responsibilities to their child may contact the Kansas State Department of Education via the toll-free WATS (800-332-6262). A KSDE staff member will provide to parents and school personnel —

1. Information about parent/child rights;
2. Interpretation of parent/child rights in the context of the complaint;
3. Review of appropriate placement and offerings;
4. Mediation to attempt to resolve home/school conflicts;
5. If necessary, assistance in obtaining due process or in locating and obtaining advocacy or legal services.

Procedural Noncompliance

Charges of system-wide noncompliant local education agency policies, practices, or procedures should be made directly to the State director of special education. *Upon receipt of a formal complaint, a confidential file shall be established within the special education administration section and a preliminary investigation initiated. At a minimum, this investigation shall include:*

(A) An interview with the complainant during which additional information is gathered and specific allegations of noncompliance are identified, verified, and recorded.

(B) a letter or telephone call advising the local education agency of the complaint and soliciting relevant information or documents; and

(C) a written report of preliminary findings sent to the complainant and local education agency within 10 days of the receipt of the complaint.

(2) If any preliminary investigation indicates that the complaint was justified and that no corrective action has been undertaken by the local education agency as a result of the preliminary investigation, an on-site compliance review shall be conducted by a state special education compliance team. A written report of the compliance review shall be sent to the complainant and the local education agency within 45 days of the receipt of the initial complaint. The report shall include the findings of the investigation and, when noncompliance is found, the corrective action or actions required and the time periods within which each action is to be taken (K.A.R.91-12-28(a)(1)).

Appeal by Complainant

A complainant may appeal the final decision of the Kansas state department of education to the secretary of the United States department of education (K.A.R. 91-12-28(a)(3)).

Allegations of State or local policies or procedures which discriminate against handicapped individuals also may be filed with the Office of Civil Rights for investigation.

State Education Agency Action on Noncompliance

The special education administration section shall conduct triennial on-site compliance reviews in each local education agency. If noncompliance is established, the local education agency shall be given a timeline for remedying the specific deficiencies cited. This report shall be sent to the local education agency by the special education administration section no more than six weeks after the on-site review (K.A.R. 91-12-28(b)).

The results of any on-site compliance review will be recorded by the team chairperson. A draft copy of the on-site review report will be sent to the local education agency within three weeks after completion of the review. This draft shall identify any noncompliant practices/procedures found by the team and shall describe the corrective action(s) required. If the local education agency does not concur with the draft report, its administration should contact the Special Education Administration Section within two weeks after receipt of the report. An attempt shall be made to negotiate areas of disagreement before a final compliance report is issued. A final report shall be sent to the local education agency by the Special Education Administration Section no more than six weeks after the on-site review. After receiving the local education agency's response to a compliance report follow-up visits may be made to provide the local education agency with assistance in coming into compliance or to verify that remedial steps have been taken.

K.A.R. 91-12-28(c) states: *(1) The local education agency may appeal the findings of any final compliance report prepared by the special education administration section to the state commissioner of education within 15 calendar days of the date the report was sent to the local education agency. An appeal committee, of at least three members, shall be appointed by the commissioner to review the findings and to consider the information from the local education agency. The appeal process shall be completed within 30 calendar days of the appeal request from the local education agency and a decision shall be rendered within 15 days after the appeal process has been completed. If the committee affirms the compliance report findings and recommendations and finds that after 15 days there has been failure to comply substantially with the regulations governing state or federal special education programs, the state department of education shall notify the local education agency of the action that will be taken to assure compliance. Such actions may include:*

(A) Notification of accredited warned status or removal from the accredited list by the state board as prescribed by K.A.R. 91-30-2; or

(B) withholding of funds under P.L. 94-142, Education of All Handicapped Children Act.

(2) A local education agency may appeal the final determination of the state department of education to the secretary of the U.S. department of education within 30 days of the department's notice that disapproval and withholding of P.L. 94-142 funds is in effect. Any local education agency receiving such notice shall inform, by means of public notice, the public within its jurisdiction of the pendency of the action.

In those cases where non-accreditation of a local education agency is recommended, the Commissioner shall notify the president of the local board of education, the clerk, and the superintendent no later than May 15. The local education agency shall be given an opportunity at the June meeting of the State Board to present any reasons why the school should not be denied accreditation.

FEDERAL PROGRAMS FOR SPECIAL EDUCATION

INTRODUCTORY STATEMENT

The United States government is committed to the education of handicapped children who are defined as *mentally retarded, hard of hearing, deaf, speech impaired, learning disabled, visually handicapped, seriously emotionally disturbed, crippled or other health impaired...who by reason thereof require special education and related services.* Because of this commitment, Federal legislation has been enacted to provide funds for the promotion of increased and improved educational opportunities for handicapped learners. Through certain Federal programs, State and local education agencies are given additional support both through funding and through administrative guidelines to provide special education services within the states.

SUMMARY OF FEDERAL SPECIAL EDUCATION PROGRAMS

The Federal monies received by the state of Kansas for handicapped children are used to supplement State and local funds in providing comprehensive services. The use of these funds varies with the authority as defined by law. The following Federal funds are available for the implementation or support of special education services.

1. *Educational Consolidation and Improvement Act of 1981*

   a. *Chapter 1* retains ESEA Title I as a separate program including Section 101 — Grants to Local Education Agencies — and Section 121 — Programs for Handicapped Children.

      (1.) Section 101 — Chapter 1 funds are available to schools serving areas with concentrations of children from low-income families. In Kansas, priority is given to projects which focus on compensatory reading and mathematics programs for preschool and primary age children who are educationally deprived. Chapter 1 funds may be used in designated attendance centers to provide certain special education services. In general, these services must extend beyond but not replace those required by law. In addition, certain restrictions apply regarding the selection of children and the intensity of instruction.

      (2.) Section 121 — This amendment to Chapter 1 allocates funds to State institutions and child care centers which provide educational programs for handicapped children. The allocation is made on the basis of average daily attendance of those children in educational programs with consideration for the priority of needs of eligible handicapped children. Monies allocated to an agency under this act are intended to follow the child should he/she move to another special education program.

   b. *Chapter 2* consolidates thirty-three former programs into a block grant which will flow to the states. Eighty percent of the funds must be distributed to local school districts according to a formula based on school enrollment adjusted to provide higher per pupil allocations for high cost students. The three general areas in which funds may be used are 1) basic skills, 2) educational improvement and support services, and 3) special projects.

2. *P.L. 94-142, Education of All Handicapped Children Act — Grants to States for Education of the Handicapped, Part B.*
   Local education agencies and State education agencies are eligible for Title VI-B funds to assist them in providing for the education of all handicapped children. Each state's entitlement is based on the number of handicapped children within the state who are receiving free and appropriate special education services. Since Fiscal Year 1979, 75 percent of the State's entitlement has been designated for pass-through. Funds retained at the State are awarded on a competitive basis and are intended to serve as stimulation grants.

   Title VI-B funds must be expended in accord with the priorities of the act, that is, first for handicapped children currently receiving no educational services and second to the most severely handicapped receiving inadequate educational services. State operated schools and nonpublic schools are not eligible for Title VI-B funds. However, handicapped children attending nonpublic schools must have the opportunity to receive proportionate benefits from any Title VI-B funds received by local education agencies.

3. *P.L. 91-230, Title VI, Education for the Handicapped Act, as amended*
   - *a. Regional Education Programs for Severely Multiply Handicapped/Deaf-Blind Persons* (Part C. Section 622)
     Various regional programs and services are funded for the purpose of aiding the states in programming for severely multiply handicapped/deaf-blind individuals. Kansas is currently served by the Mountain Plains Regional Center for Handicapped Children, Denver, Colorado. Through a grant award from this center, diagnostic and educational services are provided to eligible children.
   - *b. Regional Resource Centers* (Part C. Section 621)
     The Midwest Regional Resource Center, Des Moines, Iowa, which serves the state of Kansas, is funded under this authority. Resource centers provide technical assistance to states in planning and implementing services to handicapped children. The emphasis is on identifying persistent problems and replicating worthwhile programs.
   - *c. Personnel Training* (Part D. Section 631)
     This part of the act authorizes Federal grants to State education agencies and to institutions of higher education to assist them in providing inservice training for personnel in the area of special education.
   - *d. Preschool Incentive Grants* (Part C. Section 619)
     Additional funds are available to states and local education agencies for services to preschool handicapped. In Kansas, preschool incentive funds are flowed-through to districts or cooperatives serving preschool handicapped students.
   - *e. Early Childhood Programs* (Part C. Section 623)
     Grants are awarded to states for the development and implementation of a state plan to provide special education and related services to handicapped children from birth to age eight.

4. *P.L. 94-482 — Vocational Education Act*
   At least 10 percent of each state's allotment of vocational education funds appropriated for any fiscal year shall be used only for vocational education programs for handicapped persons who, because of their handicapping condition, cannot succeed in the regular vocational education program without special educational assistance or who require a modified vocational education program.

STATE ADMINISTRATION OF FEDERAL PROGRAMS FOR EXCEPTIONAL CHILDREN

Consistent with the Special Education Programs Office guidelines and the Kansas legislative study recommendations, the Kansas State Department of Education is responsible for the administration of all Federal programs provided for the education of exceptional children. The Special Education Administration Section of the Kansas State Department of Education provides a major monitoring function for all approved Federal projects concerned with the education of exceptional children. This monitoring function is carried out by various staff members with responsibilities in the area(s) of exceptionality with which the project is concerned. Project monitoring is designed to ensure compliance with adopted rules, regulations, and guidelines for special education programming.

FEDERAL PROGRAMS

Guidelines for the submission of applications and procedures for appealing applications that are not funded during the fiscal year in which they were submitted may be obtained from the appropriate section of the Kansas State Department of Education.

Any project proposal for the education of handicapped children under federal programs designed for that purpose shall be submitted to the special education administration section for review and recommendation for approval or disapproval (K.A.R. 91-12-29). It is imperative that projects are consistent with and correspond to the *State Plan for Special Education*. For specific information regarding applications and/or projects for handicapped children funded by Federal money, contact the Special Education Administration Section, Kansas State Department of Education.

STATE INSTITUTIONS AND STATE SCHOOLS

Each state institution and state school shall provide special education services for all exceptional children housed and maintained therein. All state-operated educational programs shall comply with the requirements of article 12 of agency 91 of the Kansas administrative regulations (K.A.R. 91-12-30(a)). Like other local education agencies, State institutions and each State school must develop a local comprehensive plan for special education and submit it to the Special Education Administration Section.

ACCREDITATION

Education programs housed on the campus of a State institution or State school shall meet accreditation requirements of the Kansas Department of Education in accordance with the standards set forth in K.A.R. 91-28-1 *et seq.*

ADMISSION PROCEDURES

State Institutions

Placement in the youth centers, mental hospitals, and mental retardation facilities is primarily for treatment and therapy services, and not for educational purposes. In the youth centers and, in some cases, the mental hospitals and mental retardation facilities, placement is involuntary and based on court decisions. When a child is being considered for admission, input from the child's district of residence should be solicited.

1. Youth Centers
   The procedure for admission into the Youth Center at Atchison, the Youth Center at Beloit, the Youth Center at Topeka, the Larned Youth Rehabilitation Center, the Osawatomie Youth Rehabilitation Center, and the Topeka Youth Rehabilitation Center is by Juvenile Court commitment for delinquency and miscreancy only.
2. Mental Hospitals
   The procedure for admission into the Larned State Hospital, Osawatomie State Hospital, Rainbow Mental Health Center, and Topeka State Hospital is outlined in the Mental Health Statutes for the state of Kansas which permit voluntary admission and court commitments. An interdisciplinary team will determine the least restrictive environment for care and treatment.
3. Mental Retardation Facilities
   The procedure for admission into Kansas Neurological Institute, Parsons State Hospital, and Winfield State Hospital is through an appropriate area office of the Kansas State Department of Social and Rehabilitation Services where all alternatives for placement are considered and where the family supervisor or chief of social services may agree that the State institution represents the least restrictive environment for meeting the individual needs.

State Schools

The Kansas State School for the Deaf and the Kansas State School for the Visually Handicapped are educational in nature. Individuals attending these schools are admitted primarily for educational training. Both visually impaired and the multihandicapped visually impaired learners between the ages of five and twenty-one years may be admitted to the State School for the Visually Impaired. Deaf or multihandicapped deaf learners between the ages of five and twenty-one years may be admitted to the State School for the Deaf.

Placement procedures for Kansas residents into the Kansas State School for the Visually Handicapped and the Kansas State School for the Deaf are set forth in K.A.R. 91-12-30(b) as follows:

(1) *Admission procedures shall be initiated by the child's home school district and by the child's parent or parents.*

(2) *Placement of any child in the state school shall be made only after the local district and the child's parent or parents have considered local placement options.*

(3) *Placement shall be based on the comprehensive evaluation which indicates a need for educational services provided at the state school.*

(4) *If the original comprehensive evaluation and staffing are conducted by any local education agency and if one of the state schools is an alternative placement for the child, a representative or representatives from the state school shall be included in the staffing.*

(5) *Any local education agency may refer a child to a state school for a portion or all of the original comprehensive evaluation. If this is done, a representative or representatives from the local education agency shall be included in the staffing.*

(6) *Each child enrolled in a state school shall have access to the educational programs in the local school districts near the location of the school, either on a part-time or full-time basis.*

(7) *If differences of opinion occur as to eligibility for or placement of any child in a state school, procedural due process, as prescribed in K.S.A. 72-972 to K.S.A. 72-975, inclusive, and K.A.R. 91-12-43 shall be followed.*

(8) *Personnel from the child's home school district, as well as personnel from the state school and the child's parent or parents, shall be afforded an opportunity to participate in the individual education program conference. The feasibility of the return of the child to the local public school shall be considered at the annual conference.*

REVIEW OF EDUCATIONAL PLACEMENT

State Institutions

The formal procedure for forwarding the dismissal information during the process of reintegrating the child into the community lies through channels from the State institution's social worker members of the treatment team to the social worker in the Social and Rehabilitation Services offices. This formal mechanism is supplemented by simultaneous referral to other local agencies including the local education agencies to which a child is referred for special education services. To facilitate appropriate planning, each referral should precede actual dismissal by at least thirty days. At this time the most recent individualized education program should be forwarded to appropriate personnel in the local education agencies, as authorized by the Rights of Privacy Act and P.L. 94-142.

State Schools

The individualized education program for each student receiving services at the State schools shall be reviewed and revised annually in accordance with the SCREENING, EVALUATION, AND REVIEW PROCEDURES section of the State Plan. Personnel from the student's home school district as well as personnel from the State schools and the student's parents or guardian are afforded an opportunity to participate in the IEP conference. The student's future educational plan, including return to the local public school, shall be considered at the annual conference.

The formal procedure for forwarding information during the process of returning the student to his home school district lies through channels from the State school to the local school superintendent. *If a student transfers from a state school or state institution to a school district, the most recent individual education program, as well as any additional educationally relevant information concerning the child, shall be forwarded to the receiving school district* (K.A.R. 90-12-30(c)). In these cases parental consent is not required; however a reasonable attempt should be made to notify the parents of the student or the eligible student of the transfer of the records (Privacy Rights of Parents and Students 34 CFR 99.31 and 99.34).

DUE PROCESS

In order to meet accreditation requirements and to protect the rights of children and youth, each special purpose school shall address the matter of due process in the local comprehensive plan which shall provide for hearings under an impartial hearing officer as set forth in this Plan.

CONTRACTS FOR SERVICES

State Institutions

Contracts may be negotiated between State institutions and school districts as specified in K.A.R. 91-12-36 and the CONTRACTUAL AGREEMENTS section of this Plan. Contracts between State institutions and school districts shall specify each party's responsibilities for designing and providing an appropriate education program which is in compliance with Federal and State regulations. Such contracts shall be approved by the Commissioner of the Kansas State Department of Education and the Secretary of the Kansas State Department of Social and Rehabilitation Services. The agency for which the contracted services are provided shall agree to pay all costs of said contracted services.

State Schools

State schools do not contract for educational services with local education agencies since the schools are under the jurisdiction of the Kansas State Board of Education. Students enrolled at the State School for the Visually Handicapped or the State School for the Deaf shall have access to the educational programs in the local school districts near the location of the school, either on a part-time or full-time basis.

STUDENT RECORDS

When requested, the State institutions and State schools shall provide to the Special Education Administration Section the name, type of handicapping condition(s), and school district of legal residence of all exceptional children identified and/or placed in the institution or State school.

Representatives of a child's local education agency may have access to the child's individualized education program when visiting the special purpose school at the institution or State school. If copies of the student's individualized education program or other educational records are desired by the local education agency, permission for release of the records shall be obtained from the parent or lawful custodian.

STATE SPECIAL EDUCATION ADMINISTRATION EVALUATION PLAN

INTRODUCTORY STATEMENT

The Kansas State Department of Education is required by K.S.A. 72-971 to assess the progress or lack thereof in providing mandated special education services. Additionally, a stated goal of the Special Education Administration Section is *to develop and establish evaluation procedures, at both State and local levels, in order to facilitate planning, programming, and budgeting.*

On the State level the major purposes of evaluation are to assess the efficiency of the special education program in achieving its objectives and to initiate program improvement. Traditionally, emphasis has been given to evaluation of progress toward implementing State and Federal laws. This type of evaluation is still carried on and includes assessment of compliance with established standards, criteria, and guidelines. In recent years attention also has been given to assessment of the overall effectiveness of special education services in meeting the needs of exceptional students within the state. A statewide survey of pupil progress based on individualized education programming was conducted in Fiscal Year 1983. Information about the survey is available to local education agencies from the Special Education Administration Section.

State Goals, Objectives, and Evaluation Criteria

In developing an evaluation plan for its operation, the Special Education Administration Section has used a modified management by objectives format. This type of format identifies State managerial direction and action for the programs under the supervision of the State Board of Education.

Statement of Goals: Goal statements are written to describe a possible terminal point to be reached sometime in the future. The plan relates the objectives and activities of the Special Education Administration Section to the educational goals of the Kansas State Board of Education. The goals are identified by the numeral to the left of the decimal point in the descriptors of goals and objectives.

Statement of Objectives: For each goal, one or more objectives have been established to define operational plans. Objectives are stated as desired outcomes capable of being measured with some degree of specificity. For an objective to be considered achieved, it must meet the evaluation criteria established when the objective was written. A written statement indicating full or partial achievement of the objective according to evaluation criteria is developed for publication in the next State Plan. Objectives are identified by the digit to the right of the decimal point in the descriptors.

GOAL 1

The Kansas State Board of Education will provide equal educational opportunity to encourage each student within his/her developmental ability in —

- Gaining an awareness of career opportunities and appropriate work habits to succeed in the world of work, including sheltered work environments.

- Acquiring a general education.
- Attaining knowledge and skills to qualify for further education, employment, re-employment, or rehabilitation...

Objective 1.1 The Special Education Administration Section will assist local education agencies in implementing least restrictive environment programming which allows maximum benefit for exceptional children from general education programs.

> *Activity 1.1.1* Leadership and technical assistance in special education program planning and development will be provided to local education agencies. Emphasis will be given to innovative and improved procedures for providing quality instruction and special education services in the least restrictive environment.

Evaluation Procedure to Determine if Objective Has Been Met

Logs of the number and types of assistance to local education agencies will be maintained.

Objective 1.2 The Special Education Administration Section will facilitate the articulation and development of school programs and services which increase the continuous learning and employment skills of exceptional children.

> *Activity 1.2.1* Assistance in developing and improving local special education programs which provide instruction in career awareness and vocational training will be provided to local education agencies.
>
> *Activity 1.2.2* Lines of communication will be established with agencies and organizations having services or the ability to provide services for exceptional children and youth. The objectives and activities of the Special Education Administration Section will be coordinated with these agencies and organizations. The results of joint activities will be evaluated so that future activities can be improved.

Evaluation Procedure to Determine if Objective Has Been Met

A summary of cooperative efforts and a list of all agencies and organizations participating in efforts will be on file in the Special Education Administration Section. Any formal documents such as interagency agreements or memoranda of understanding also will be on file.

Objective 1.3 In order to improve and expand special education programs, the Special Education Administration Section will seek and manage resources to supplement State appropriations.

> *Activity 1.3.1* Sources from which the Department is eligible to receive assistance will be identified. Proposals or applications will be developed and submitted in accordance with requirements of the funding source.
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> *Activity 1.3.2* Fiscal and performance data will be maintained for all grants or contracts awarded to the Special Education Administration Section. All reports required by the funding agency will be submitted in a timely manner.

Evaluation Procedure to Determine if Objective Has Been Met

Copies of proposals or applications submitted and documentation of funding received will be on file in the Special Education Administration Section. Copies of fiscal and performance reports also will be kept.

GOAL 2

The Kansas State Board of Education will advocate quality education by —

- Formulating policies which provide programs, facilities, and institutions.
- Implementing evaluation measures which will provide program and student information to decision makers at all levels...

Objective 2.1 The Special Education Administration Section will develop and disseminate rules, regulations, and guidelines for the provision of special education and related services for exceptional students.

Activity 2.1.1 State and Federal special education statutes and regulations will be reviewed and recommendations will be made to the State Board relative to revision.

Activity 2.1.2 State and Federal special education statutes will be interpreted through guidelines, policy statements, and technical assistance to local education agencies.

Evaluation Procedure to Determine if Objective Has Been Met

Article 12 and the Kansas State Plan for Special Education will be updated/revised for 1985. Copies of any amendments, as approved by the State Board, will be disseminated to all local education agencies, colleges and universities, professional and advocacy groups, and other interested agencies or persons. Copies of Article 12 and the Plan and a record of dissemination will be on file in the Special Education Administration Section. Copies of all guidelines and policy statements also will be on file.

Objective 2.2 The Special Education Administration Section will implement evaluation procedures to assess the effectiveness of special education services at both State and local levels.

Activity 2.2.1 A statewide project will be implemented to assess the cost benefits of special education and related services.

Activity 2.2.2 Technical assistance in the development of program evaluation procedures will be provided to local education agencies. Exemplary local evaluation procedures will be identified and shared with interested parties.

Activity 2.2.3 Surveys of the impact of special education services on selected populations of exceptional children will be conducted.

Evaluation Procedure to Determine if Objective Has Been Met

An evaluation report will be on file in the Special Education Administration Section. Needs, projections, and the goals, objectives, and activities for meeting needs will be included in the Special Education State Plan for Fiscal Year 1985.

Local comprehensive plans will contain approved evaluation components. Copies of the plans will be on file in the Special Education Administration Section.

GOAL 3

The Kansas State Board of Education will encourage the professional growth of educators by —

- Providing certification procedures which reflect the needs of the teaching profession, school districts, and students.
- Promoting the development of State approved inservice programs at the local school district level...

Objective 3.1 The Special Education Administration Section will develop recommendations on certification requirements which are appropriate for special education personnel.

Activity 3.1.1 A staff member from the Special Education Administration Section will serve on the steering committee of Comprehensive Personnel Planning for the Handicapped (CPPH).

Activity 3.1.2 Staff from the Special Education Administration Section will be available to consult with the Certification Section on problems related to special education endorsements. Staff also will be available to serve on Department committees or task forces related to teacher training and certification.

Evaluation Procedure to Determine if Objective Has Been Met

A log of committee/task force activities will be maintained. Minutes of CPPH and other personnel development committees/task force meetings will be on file in the Special Education Administration Section.

Objective 3.2 The Special Education Administration Section will facilitate the development of quality inservice programs for personnel involved in the education of exceptional students at the local district/cooperative level.

Activity 3.2.1 Training needs of personnel working with exceptional children will be assessed.

Activity 3.2.2 The Special Education Administration Section will conduct workshops, institutes, and study groups to assist in the development, monitoring, or improvement of services to exceptional children. Input regarding relevance of subject area and suggestions for future study will be obtained from participants.

Activity 3.2.3 A staff member from the Special Education Administration Section will be available to serve on Department committees or task forces related to inservice.

Evaluation Procedure to Determine if Objective Has Been Met

Dates and agendas of workshops, institutes, and study groups and the participant evaluation reports will be on file in the Special Education Administration Section. Logs and reports of committee work also will be kept.

GOAL 4

The Kansas State Board of Education will promote curriculum improvement by —

- Providing technical assistance to local school districts.
- Disseminating reports and information about applied research in education.
- Identifying and recognizing outstanding local school district curriculum programs.

Objective 4.1 The Special Education Administration Section will facilitate special education program development and compliance with State and Federal regulations through provision of technical assistance to local districts/cooperatives.

Activity 4.1.1 Guidelines will be established for reviewing local comprehensive plans and programs.

Activity 4.1.2 Local comprehensive plans will be reviewed and approved/disapproved for funding.

Activity 4.1.3 Local education agency programs will be monitored on-site at least triennially to ensure that they are consistent with the approved plan. Monitoring reports will be written following visits with recommendations for bringing local programs up to standards and/or for increasing the quality of programs.

Activity 4.1.4 Technical assistance in implementing recommendations will be provided.

Evaluation Procedure to Determine if Objective Has Been Met

Copies of approved local comprehensive plans and State Department of Education specialists' on-site reports for every local education agency providing special education services will be on file in the Special Education Administration Section. Records of technical assistance activities also will be maintained.

Objective 4.2 The Special Education Administration Section will disseminate reports and other information about applied research in the area of educating exceptional students.

Activity 4.2.1 The Special Education Administration Section will maintain a Specialnet telemail bulletin board through which current information relevant to the administration of special education will be disseminated.

Activity 4.2.2 Three reports of applied research in the area of special education will be generated and disseminated.

Evaluation Procedure to Determine if Objective Has Been Met

Copies of all bulletins, reports, brochures, and other information disseminated by the Special Education Administration Section will be kept on file. Lists of persons and agencies receiving such information will be maintained.

Objective 4.3 The Special Education Administration Section will motivate educational program excellence through identifying and recognizing outstanding local school district curriculum programs.

Activity 4.3.1 The Special Education Administration Section will develop and implement criteria, based on the National Inservice Network (NIN) quality inservice practices for monitoring and evaluating local inservice programs.

Activity 4.3.2 The Special Education Administration Section will provide input to the State Board of Education's Program of Educational Excellence Planning and Policy Committee. The purpose of the program is to identify, select, and disseminate information on quality educational programs in Kansas schools.

Evaluation Procedure to Determine if Objective Has Been Met

Data from monitoring and evaluative local inservice programs as well as policy and planning committee minutes of the State Board of Education's Program of Educational Excellence will be on file in the Special Education Administration Section.

GOAL 5

The Kansas State Board of Education will promote effective legislation and financial services to local education entities by —

- Identifying areas of educational need.
- Distributing fiscal resources fairly and equitably.
- Adopting reporting and funding processes that encourage accountability at all levels...

Objective 5.1 The Special Education Administration Section will collect, analyze, and report information about special education needs.

> *Activity 5.1.1* A special education advisory council will be used to assist in decision making related to the education of exceptional children in order to ensure systematic input from other agencies and organizations.
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> *Activity 5.1.2* Data from reports submitted by local education agencies will be combined with data from monitoring reports to determine the State's strengths, weaknesses, and needs in the area of special education.
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> *Activity 5.1.3* Input will be solicited routinely from local special education administrators through an advisory panel and through participation in Kansas Association of Special Education Administrators.
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> *Activity 5.1.4* Identified needs will be brought to the attention of the State Board.

Evaluation Procedure to Determine if Objective Has Been Met

Completed monitoring forms, annual reports, and minutes of meetings will be on file in the Special Education Administration Section. Needs, projections, and the goals, objectives, and activities for meeting needs will be included in the Special Education End-of-Year Report for Fiscal Year 1984.

Objective 5.2 The Special Education Administration Section will establish the eligibility of local education agencies to receive State and Federal special education funds.

> *Activity 5.2.1* The Special Education Administration Section will make recommendations to the Board regarding contracts and cooperative agreements for the provision of special education services.
>
> *Activity 5.2.2* The administration of State categorical funds for special education will be coordinated. This activity includes —
>
> - Approval of special education programs for State categorical reimbursement,
> - Maintenance of lists of approved special education programs, and
> - Projections of personnel and fiscal needs for consideration in the Department's budgetary process.

Evaluation Procedure to Determine if Objective Has Been Met

Records of payment of State categorical funds and audit reports will be on file in Financial Services Division. Budget information submitted to the Agency Budgeting and Program Accounting Section by the Special Education Administration Section will be on file in both offices.

Objective 5.3 The Special Education Administration Section will assure fiscal accountability of State and Federal programs administered by the Section.

> *Activity 5.3.1* Resources obtained to carry out Special Education Administration Section goals and objectives will be managed according to pertinent regulations and guidelines.
>
> *Activity 5.3.2* Guidelines for the submission of local education agency subgrant applications and procedures for appealing applications which are not funded will be distributed.
>
> *Activity 5.3.3* Subgrant applications/proposals will be reviewed and approved/disapproved.

Activity 5.3.4 Agency fiscal reports from subgrantees will be examined by Department staff. Subgrantees will be informed of any fiscal discrepancies and given a timeline for correction.

Activity 5.3.5 Special education proposals, grants, and program applications of other agencies will be reviewed for compliance with established State and Federal priorities and requirements. Recommendations for approval/disapproval will be made to the appropriate administrative unit.

Evaluation Procedure to Determine if Objective Has Been Met

Guidelines for funding, program budgets, fiscal reporting forms, lists of approved projects, completed monitoring forms, a record of technical assistance given to the project staff, and the promising practices file will be available in the Special Education Administration Section.

A log of documents reviewed will be kept. A record of recommendations made to other agencies will be on file.

LOCAL EDUCATION AGENCY OPERATIONS

SUMMARY OF RESPONSIBILITIES OF LOCAL EDUCATION AGENCIES

INTRODUCTORY STATEMENT

Across the nation, recent legislative actions and court decisions have reflected a concern for individuals whose unique needs have not been met by the public schools. Following the national trend of providing equal opportunity for all, the 1974 Kansas Legislature enacted the Special Education for Exceptional Children Act (K.S.A. 72-961 through 72-982, and K.S.A. 72-935) which requires educational services that will contribute to the development of each exceptional child in this state in accordance with his/her abilities and capacities. K.S.A. 72-5393 requires that students in private schools be given genuine opportunities for participation in public special education programs. (See EXCEPTIONAL CHILDREN ENROLLED IN PRIVATE SCHOOLS section.) Pursuant to implementation of this Act, local education agencies and other agencies concerned with the education of exceptional children are charged with specific responsibilities. The following list summarizes these responsibilities:

Each local education agency shall —

1. Initiate screening and identification procedures to determine which children within the district are in need of special education services. This shall include children who wear hearing aids. A policy for the regular monitoring of the aids shall be developed. (See LANGUAGE, SPEECH, and HEARING IMPAIRED section of this Plan for monitoring requirements.)
2. Provide free appropriate special education services for all exceptional children of school age.
3. When necessary, transport exceptional children to and from special education services.
4. Adopt due process and confidentiality policies regarding exceptional children which conform to State and Federal requirements.
5. Provide supervision and administration for special education services.
6. Submit annually to the Special Education Administration Section an update or revision of the local comprehensive plan for providing special education services and other required reports.
7. Maintain information activities which alert the public to the needs of exceptional children, their educational rights, and the availability of special education services.

ADMINISTRATIVE OPTIONS FOR PROVIDING SPECIAL EDUCATION SERVICES

In order to comply with the requirements of the Special Education for Exceptional Children Act and this Plan, each board of education shall have the authority to —

1. Establish approvable special education services. These services may be provided within its schools or in a home, hospital, or other facility.
2. Enter into cooperative agreements with one or more other school districts for special education services. (See COOPERATIVE AGREEMENTS section.)

3. Contract with another local education agency for special education services. (See CONTRACTUAL ARRANGEMENTS section.)
4. Contract with any accredited private nonprofit corporation or any public or private institution within or without the state which has approved special education services. (See CONTRACTUAL ARRANGEMENTS section.)

Each local education agency shall have access to information relative to the progress of any exceptional child who is a legal resident of the district when that exceptional child is receiving educational services through contractual arrangements with other districts or special purpose schools.

When an exceptional child is admitted to a State institution, the district of legal residence may have access to the child's IEP when visiting the special purpose school at the institution. If copies of the student's IEP or other educational records are desired by the local education agency, permission for release of the records shall be obtained from the parent or lawful custodian.

The local education agency will be notified by the State institution at least 30 days prior to placement of an exceptional child back into the home community. (An exception may be made for emergency discharges.) At that time representatives of the local education agency and the special purpose school shall review the current IEP to determine those special education services needed for successful reintegration into the community.

SCREENING AND IDENTIFICATION OF EXCEPTIONAL CHILDREN

Each local education agency shall initiate screening procedures to identify all children from birth who may have special needs and who will require a more thorough evaluation. These screening procedures shall include outreach efforts aimed at locating all unserved children, such as, children who are receiving no educational services. When screening indicates that a child may be in need of special education services, further evaluation shall be provided. In districts/cooperatives where programs are not provided for preschool age handicapped children, the local education agency shall assist the parent of the handicapped child by recommending local and statewide resources, forwarding records as needed, and reporting summary data to the State Department of Education. (See SCREENING, EVALUATION, PLACEMENT, AND REVIEW section.)

PROVISION OF SPECIAL EDUCATION SERVICES

Scope of Services

The board of education of each local education agency is required to provide a comprehensive special education program which offers a continuum of education and related services for all exceptional children of school age whose legal residence is within that district. Exceptional children are defined in K.S.A. 72-962 as those who *differ in physical, mental, social, emotional or educational characteristics to the extent that special education services are necessary to enable them to progress toward the maximum of their abilities or capacities.* Such children include the mentally retarded, specific learning disabled, gifted, hearing impaired, language impaired, speech impaired, personally and socially maladjusted, physically and other health impaired, severely multiply handicapped/deaf-blind, and visually impaired. Expanded definitions of the various areas of exceptionality are provided in the program areas of this document.

Services for exceptional children shall be implemented at the age at which the local board of education provides educational services for nonexceptional children. Services for preschool children are authorized, but not mandated, and nothing herein shall be *construed to prevent the use of local funds or State special education categorical funds for such preschool programs. Services shall be extended through the school year during which the exceptional child reaches age twenty-one or until he/she has completed a local curriculum, in accordance with the State Board of Education standards, whichever event shall first occur.* (See STATE DEPARTMENT ADMINISTRATION AND SUPERVISION section.)

Local education agencies may, and are encouraged to, provide programs for exceptional children prior to the age of regular schooling. Preschool programs for exceptional children have been authorized by law since 1965. This authority is under K.S.A. 72-67, 115.

Related or support services are those services which are required to assist an exceptional child to benefit from special education instruction *or* to assist the exceptional child to be maintained in the regular program. Such support services shall be provided as needed. (See RELATED SERVICES section.)

Status of Previous Special Education Mandates

The following special education services mandated prior to the Special Education for Exceptional Children Act remained unchanged.

1. The board of education of every school district is required to provide educational services for exceptional children as specified in the Developmentally Disabled Children's Act of 1973 (K.S.A. 72-933).
2. Each school board shall provide basic vision screening without charge to every pupil in its school not less than once every two years as specified in K.S.A. 72-5205.
3. Each school board shall provide basic hearing screening without charge to every pupil in its schools during the first year of admission and not less than once every three years thereafter as specified in K.S.A. 72, Article 12.

TRANSPORTATION TO SPECIAL EDUCATION SERVICES

Local education agencies shall be responsible for providing transportation for exceptional children in mandated special education services and may claim State special education reimbursement for 80 percent of the actual transportation cost. Such transportation shall conform to the least restrictive environment concept, that is, transportation shall be by conveyance most similar to that normally provided for non-exceptional children. The children who are able to walk to school or ride the regular school bus should continue to do so.

The responsibility of the local education agency extends to transportation of children to services not provided in the local education agency, such as the State schools or contracted services in special purpose schools. If it is necessary for a local education agency to contract with parents or other public or private agencies for transportation to such services, the local education agency may pay the person or agency providing the transportation and claim State special education reimbursement.

DUE PROCESS

Each local education agency shall adopt a due process policy which guarantees exceptional children and their parents procedural safeguards in decisions regarding identification, evaluation, and educational placement. These due process policies shall conform to State and Federal guidelines as set forth in PROCEDURAL DUE PROCESS section and shall be placed on file in the Special Education Administration Section.

CONFIDENTIALITY

Each local education agency shall adopt and have on file in the Special Education Administration Section a statement of confidentiality of records which guarantees privacy to student records. This statement of confidentiality shall conform to State and Federal guidelines as set forth in the CONFIDENTIALITY section.

GRADUATION RECOGNITION

An exceptional student shall be eligible for graduation from high school upon completion of State Board requirements as specified in K.A.R. 91-30-12 and shall receive the same graduation recognition and diploma as nonhandicapped students.

K.A.R. 91-30-12h(b) authorizes local boards of education to set alternative graduation requirements and states that these policies shall have State Board approval prior to implementation in the district. When such alternative requirement policies are developed for special education programs, they shall be included in the Local Comprehensive Plan. State approval of the alternative policies will be given by approval of the Local Comprehensive Plan.

Any such alternative graduation requirements shall include one unit of American History and at least one-half unit of American Government, including the Constitution of the United States (K.S.A. 72-1103). These units may be adapted to meet the needs of given exceptional children. The alternative educational program shall be specified in the exceptional student's individualized education program (IEP). Under this alternative, the exceptional student also shall receive the same graduation recognition as any other graduating student. (See K.A.R. 91-12-32.)

LOCAL ADMINISTRATION AND SUPERVISION OF SPECIAL EDUCATION

When the local education agency reaches a student population of 5,000 pupils and has programs for four or more areas of exceptionality, a full-time director of special education shall be employed. It is recommended that a program coordinator or supervisor be employed when special education instruction staff in any categorical area is ten or more. (See LOCAL ADMINISTRATION AND SUPERVISION OF SPECIAL EDUCATION section.)

COMPREHENSIVE PLAN AND ANNUAL SURVEY

By August 15 of each year, each local education agency shall submit to the Special Education Administration Section an update or revision of its plan for providing comprehensive special education services. The local comprehensive plan shall include a report of the current status of local special education services and a three-year projection of program revision or expansion. Each year as the local education agency implements the first year of its projected activities, the plan shall be updated and a new three-year projection made. This updated plan shall reflect progress made in special education services and changes in local needs. The local education agency shall appoint a special education advisory committee to assist in formulating the comprehensive plan. (See LOCAL COMPREHENSIVE PLANS section.)

INFORMATION ACTIVITIES

Each district/cooperative shall regularly provide information to the public concerning the needs of exceptional children, their educational rights, and the availability of special education services. Information shall include the fact that the State Department of Education maintains a toll-free number (1-800-332-6262) which may be called for additional information or resource materials on special education services, rights, and procedures. These informational activities may be accomplished through newspaper articles, television or radio coverage of school activities, brochures of special education services, or other public information activities carried out by the local education agency.

SUSPENSION AND EXPULSION POLICIES

Caution must be exercised in taking disciplinary action against children identified as *exceptional* or *handicapped*. Such children are guaranteed free and appropriate special education under State and Federal law. Expulsion or repeated short-term suspension shall not be used to deny any handicapped student educational opportunity. This does not mean that exceptional students may violate school rules with impunity. Alternative disciplinary actions may be used. If alternative disciplinary actions are ineffective and a student cannot be maintained in his/her current placement, alternative placements shall be sought.

State laws and local education agency policies regarding suspension must be adhered to for all children, including those identified as exceptional. If an exceptional child is suspended, a formal comprehensive review of that child's individualized education program should be initiated immediately to determine whether the current placement is appropriate. If there is disagreement as to the appropriate placement of the child, procedural due process procedures shall be followed.

ADMINISTRATIVE RESPONSIBILITIES

LOCAL ADMINISTRATION AND SUPERVISION OF SPECIAL EDUCATION

ADMINISTRATION OF SPECIAL EDUCATION

Centralized administration of special education services at the local level is necessary in order that the various programs for exceptional children may be coordinated and efficiently operated within a (1) single school district, (2) sponsoring district special educational cooperative, or (3) interlocal agreement. (See COOPERATIVE AGREEMENTS section.)

The administrator of special education has the responsibility for the exceptional student's education program in the local education agency and should be given authority to implement the program. The administrative authority in a special education cooperative rests with the sponsoring district, and all special education employees are subject to the same rights, privileges, policies, and/or limitations that are directed by the board of education of the sponsoring school. It is necessary that special education be integrated into the regular school system and that there be optimal use of community, State, and Federal resources.

Size of District

Each local education agency with an enrollment of 5,000 pupils and programs for four or more categories of exceptional children shall employ a director of special education. A full time director of special education shall be the principal administrator of the special education services (K.A.R. 91-12-31(a)).

Responsibilities

The following are the major responsibilities of the local administrator of special education. There may be others included, and some or several of those listed may well be delegated to other members of the special education staff.

1. Assessing needs of special education programs.
2. Preparing a comprehensive local special education plan.
3. Assisting in the selection and hiring of the special education personnel.
4. Implementing State and Federal mandates.
5. Maintaining adequate accounting procedures and completing Federal and State reports.
6. Providing leadership in curriculum development.
7. Conducting staff conferences and other inservice functions.
8. Assisting in planning and implementation of preschool, postsecondary, and inservice training programs.
9. Maintaining good public and community relations.
10. Acting as an advocate to obtain services for exceptional children.
11. Assuring availability of special materials and equipment.

12. Providing leadership in program evaluation and follow-up.
13. Budgeting and arranging financial resources for special education.

SUPERVISION OF SPECIAL EDUCATION

The director of special education is the principal administrator of the special education program. There may also be supervisors/coordinators hired for supervising the given specialty areas. Supervisors/coordinators in charge of given specialities shall meet the training requirements in the area that they are supervising. A supervisor/coordinator is a consultant with regard to specialty area and will usually have administrative responsibility in the specialty area. Such specialty areas shall include both direct instructional and supportive services.

If a supervisor is to be assigned to supervise programs in more than one category of exceptionality, the qualifications of the supervisor shall be reviewed, and the assignment approved or disapproved, by the special education administration section (K.A.R. 91-12-31(b)).

Each local education agency should design a plan for assuring appropriate supervision based on the strengths and weaknesses in the local situation. It is recommended that provisions be made for —

1. Adequate supervision of and consultative assistance to personnel in designated areas of exceptionality.
2. Close planning between special education and general school administrative and supervisory staff.

When a special education program has ten or more professional staff in an area of exceptionality and/or the total special education staff exceeds twenty, a supervisor should be assigned. When supervisors are assigned part-time coordination activities, they shall be given release time from their other duties.

REIMBURSEMENT

The reimbursement schedule for administrators and supervisors of special education follows the same schedule as for all approved special education teachers. If the minimum requirements of training are met, the directors and supervisors shall be eligible for reimbursement providing they are employed one-half time or more in the director or supervisor/coordinator position. Reimbursement for less than one-half time will not be approved.

LOCAL COMPREHENSIVE PLANS

INTRODUCTORY STATEMENT

The Kansas State Department of Education is charged by K.S.A. 72-971 with obtaining *data necessary for review of the progress or lack thereof made in special education services for exceptional children and to assess future needs for providing special education services on a more comprehensive, expert, economic and efficient basis.* Clearly, State planning must be based on the reality of local conditions. In order that both State and local programming may be coordinated, it is necessary for the Department to request local education agencies to submit needs assessment data and comprehensive plans for special education services.

The requirements of the Education of All Handicapped Children Act (P.L. 94-142) closely parallel those of Kansas special education statutes. Therefore, a local education agency's local comprehensive plan, or update thereof, is used to determine that district's eligibility to receive pass-through funds under P.L. 94-142. The content of the local comprehensive plan, as prescribed in this section, meets the requirements of local education agency applications set forth in the Federal Act.

PURPOSE OF THE LOCAL COMPREHENSIVE PLAN

The provision of appropriate educational services to all exceptional children requires systematic planning at both State and local levels. The local comprehensive plan delineates the parameters within which local education agencies must operate in order to comply with the Special Education for Exceptional Children Act. Each local education agency is required to develop specific goals, policies, and procedures by which it will implement the act. By setting down these goals, policies, and procedures, the local education agency —

1. Provides a structure for the development of quality special education services,
2. Informs patrons of available and planned services,
3. Demonstrates progress toward full educational opportunity for exceptional children, and
4. Provides a vehicle for self-evaluation and evaluation by State or Federal regulatory agencies.

Since the needs of children must serve as the basis for planning and initiating special education services, accurate information relative to these needs also is required. Needs assessment data is an integral part of each local plan or update thereof. Through compilation of local needs assessment data, the Kansas State Department of Education annually shall show the total number of exceptional children in the state as mandated in K.S.A. 72-971 and report to the U.S. Secretary of Education on the status of special education services as required by P.L. 94-142. Other State and local education agency operations for which these data are needed include the following:

1. Planning, programming, and budgeting;
2. Justification of State and Federal budget requests;

3. Determination of the extent to which mandated services for exceptional children are being provided;
4. Projection of numbers and kinds of special education and support personnel needed;
5. Identification of other resources needed, for example, facilities, materials, and equipment; and
6. Indication of needed legislative actions.

LOCAL SPECIAL EDUCATION ADVISORY COMMITTEE

Each local education agency shall appoint a special education advisory committee which includes parents of exceptional children. Members of the committee shall be appointed by the local education agency with input from the local parent organizations. The major function of the local special education advisory committee shall be to assist in formulating and updating the local comprehensive plan. The special education advisory committee also shall act in an advisory capacity to the local education agency and shall facilitate communication and participation by parents, community representatives, and educators in the planning of means by which the needs of exceptional children can be met.

The local advisory committee shall review and comment upon the local comprehensive plan adopted by the local education agency (K.A.R. 91-12-34(d)-(e)).

The function of this committee is to advise the local board on Special Education matters and to provide the board with input from various consumer and professional groups. Therefore, the membership of the advisory committee should be formally recognized and approved by the local board.

LOCAL EDUCATION AGENCY RESPONSIBILITY

Each local education agency is required to develop and submit triennially to the special education administration section, a comprehensive plan for providing special education services. *This plan shall be updated annually with those portions of the plan which are unchanged incorporated by reference* (K.A.R. 91-12-34).

The local plan or an update must be submitted to the Special Education Administration Section by August 15 of each year. The local comprehensive plan includes a report of the current status of local special education services in relation to State and Federal special education requirements. Each year if the local education agency makes changes in its planned activities or procedures, the plan must be updated. This updated plan shall reflect progress made in special education services, changes in local needs, and revisions of local policies or procedures, as well as new State and Federal requirements. *Each local comprehensive plan shall be adopted formally by the local education agency* (K.A.R. 91-12-34(c)). For special education cooperatives, endorsement shall ensure that the plan has been endorsed by the local board of each participating district and reviewed by the local advisory committee.

CONTENT OF LOCAL COMPREHENSIVE PLAN

K.A.R. 91-12-34(a) requires each local comprehensive plan to include:

(1) A statement of the local education agency's philosophy regarding the education of exceptional children. This statement shall address the local education agency's commitment to making a free and appropriate educational program available to all exceptional children of its district.

(2) a projection of the numbers and kinds of special education and related services needed;

(3) *needs assessment data reported on forms provided by state education agency.*
- a. The types of alternative placements available to exceptional children within each category (December 1 count).
- b. The number of exceptional children within each category who are receiving services in each placement option (December 1 count).
- c. Availability of appropriate special education to all exceptional children within each category (Annual Survey Form).

(4) *a description of procedures for identifying exceptional children;*
- a. Screening procedures which —
  - 1. Describe procedures used for implementing hearing and vision screening as mandated by K.S.A. 72-1205 and K.S.A. 72-5205, including persons responsible.
  - 2. Describe or list other procedures or instrumentation used to locate children who may be in need of special education and who require further evaluation.
- b. Procedures for locating children not enrolled in school who may be in need of special education, for example, unserved preschool or school age children and children enrolled in private schools. (State institutions and special purpose schools are exempt from this requirement.)
- c. System by which children are referred for evaluation.
- d. Procedures for comprehensive student evaluation, including provisions for —
  - 1. Notification of parents, in parents' primary mode of communication, of intent to evaluate;
  - 2. Obtainment of parental consent to evaluate;
  - 3. Multidisciplinary evaluation;
  - 4. Nondiscriminatory testing;
  - 5. Multisourced evaluation, such as use of procedures/instrumentation which take into account the cognitive, social, emotional, and psychomotor aspects of the child's functioning;
  - 6. Additional identification requirements for children and youth suspected of having learning disabilities;
  - 7. Assurance that each special education student will be given a comprehensive evaluation and his/her case will be considered by the full staffing committee for placement and review at least every third year. An annual multidisciplinary review shall take place for students in a personal and social adjustment program.

(5) *a description of procedures for assuring that exceptional children are receiving appropriate special education and related services;*
- a. Structure of the staffing committee for placement and review.
- b. Procedures for the formulation and implementation of written individualized education program for each exceptional child which include the following:
  - 1. Assurance that the IEP meeting involves the following participants:
    - (a.) A representative of the school, other than the child's teacher(s), who is qualified to provide, or supervise the provision of, special education,
    - (b.) The child's teacher(s),
    - (c.) One or both of the child's parents,
    - (d.) The child, where appropriate, and

        (e.) Other individuals at the discretion of the parents or the school.
    2. Present levels of educational performance.
    3. Annual goals which describe the educational performance anticipated by the end of the school year.
    4. Statement of short-term objectives which are measurable intermediate steps between the present level of performance and the annual goals.
    5. Objective criteria and evaluation procedures for determining, at least every twelve weeks, whether short-term objectives are being achieved.
    6. Special education and related services needed without regard to availability.
    7. The extent to which the child will participate in regular educational programs or other less restricted environments.
    8. Projected dates for initiation of services and the anticipated duration of services to be provided.
    9. Listing of the names and positions of the individuals responsible for implementation of the individualized education program.

c. Policies for developing individualized education programs for children referred to or placed in accredited special purpose schools. Special purpose schools shall describe their procedures for working with local school districts in the development of individualized education programs for students within their facilities.

d. Time lines for developing individualized education programs for children currently receiving special education and for children determined to be eligible for special education services.

e. Procedures for checking the progress of students terminated from special education services and returned to regular education programs. (Special purpose schools are exempt from this requirement.)

f. Procedures for assuring that physical education services, especially designed if necessary, are made available to every handicapped child.

g. Procedures for assuring participation of special education students in non-academic and extracurricular services and activities.

h. Policies regarding facilities to assure —
    1. Appropriateness,
    2. Accessibility, and
    3. Least restrictive environment.

(6) *a description of public awareness activities;*
Documentation of local education agency efforts to regularly provide information to the public concerning the needs of exceptional children, their educational rights, and the availability of special education services. (Special purpose schools are exempt from this requirement if they do not accept P.L. 89-313 funds.)

(7) *the policy or policies of the local education agency regarding the graduation of exceptional children;*

(8) *a description of inservice activities to upgrade the competencies of staff working with exceptional children; and*

(9) *a description of procedures for evaluating the effectiveness of the special education and related services provided by the local education agency.*

Evaluation of program areas addressed must include —

a. the amounts and types of education services provided, the number and types of exceptional children served, the costs of these services (including human and material resource costs), and the changes produced in the exceptional children receiving these education services.

   b. a statement of data collection plans for the approaching fiscal year designed to produce program performance data addressing each program area specified above.

10. a copy of the local education agency's policy on the confidentiality of personal and identifiable information on exceptional children.
11. a copy of the local education agency's policies on due process in the evaluation and placement of exceptional children.
12. a statement of adoption of the local comprehensive plan or update thereof by the local board of education.
13. documentation of the local education advisory committee's comments on the local comprehensive plan.

LEAST RESTRICTIVE ENVIRONMENT

The least restrictive environment (LRE) principle establishes the right of each exceptional student to be provided an appropriate education with nonexceptional students to the maximum extent possible. LRE regulations do not preclude the placement of exceptional children in *restrictive* settings, such as special classes, day schools, or residential facilities. They do require that decisions regarding LRE be based on the student's unique needs and not reflect administrative convenience or the absence of alternative placements. Violations of the LRE principle also occur when placement in a restrictive setting is the only educational option available to all children in a given category of exceptionality.

Application of the LRE principle moves beyond the consideration of alternative placements (for example, resource room, self-contained class) to each activity or experience in which the exceptional student participates during the school day. Therefore, least restrictive environment represents an educational principle and an educational goal. In applying the principle, the exceptional student remains as close as possible to the regular educational environment and is not removed unless it is established that supplementary aids and services are insufficient. As an educational goal, the LRE concept represents an ongoing effort to move each exceptional student to a less restrictive setting when the ability to profit from such a setting has been demonstrated.

The implementation of the LRE principle requires two levels of consideration. First, each local education agency must establish appropriate administrative guidelines, procedures, and programs to assure the availability of an appropriate education for each exceptional student in the LRE. Second, the LRE principle must be applied when an individual determination of the appropriate educational alternatives is made for each exceptional student.

ADMINISTRATIVE PROCEDURES

K.A.R. 91-12-35 requires: *Each local education agency shall provide: (a) Support services to enable each exceptional child to remain in a regular class placement or placements to the maximum extent possible;*

- *(b) Sufficient placement options so that removal of the exceptional child from regular education placement presents the least necessary deviation from the educational experiences provided for non-exceptional children;*
- *(c) For the participation of each exceptional child with non-exceptional children to the greatest extent possible in nonacademic and extracurricular services and activities;*
- *(d) Special education and related services as close as possible to the child's home; and*
- *(e) A systematic review process to assure that placement for each exceptional child is in accordance with the least restrictive environment principle.*

The requirement that special education be provided as close as possible to the student's home means that attendance should be in the school the student would attend if he/she were not handicapped, unless the student's individualized education program requires some other arrangement, that is, a special education program available only in an alternative setting. The intent of this provision is to prevent placement in a distant program when an equally appropriate program exists closer to the student's home.

SERVICE CONTINUUM OF ALTERNATIVE PLACEMENTS

The service continuum developed by each local education agency should reflect the pupil, community, and school-related variables specific to that local education agency's situation. The following administrative plans are commonly suggested as points on a total service continuum. These plans and combinations thereof will be considered by the Special Education Administration Section for approval.

HOME-BASED PLAN

'Home-based plan' means a plan for the delivery of special education services to preschool age exceptional children under which a special teacher instructs the parent or parents of an exceptional child on the means of providing educational services to the child on a daily basis. This plan shall be used only in programs for preschool age handicapped children (K.A.R. 91-12-22(m)). Home-based instruction involves a teacher traveling to the home to teach the handicapped child and to instruct the parent(s) in techniques of educational intervention. For all young children the parent(s) are part of the instructional team and parental involvement should be a strong component of the program. A combination of home-based and school-based instruction may be employed.

SPECIAL MATERIALS, EQUIPMENT, TRANSPORTATION AND/OR SUPPORT SERVICES ONLY

After completion of a comprehensive evaluation, it is occasionally determined that an exceptional student requires only some form of special assistance in order to successfully remain in the educational mainstream. Examples of this are, a visually impaired student may need nothing more than large print reading materials, or a physically impaired child may need only transportation. (For additional discussion of this minimal special education service see the RELATED SERVICES section.) When this type of service is provided periodic monitoring of pupil progress is necessary to ensure that the degree of support is sufficient.

CONSULTING TEACHER PLAN

'Consulting teacher plan' means a plan for the delivery of special education services under which a special teacher facilitates the maintenance of exceptional children in regular education by providing regular education teachers with assistance in educational diagnosis, prescriptive decisions and educational interventions. No more than one-third of the consulting teacher's time shall be devoted to direct instruction of students (K.A.R. 91-12-22(e)). The consulting teacher functions as an instructional specialist who may work across several areas of exceptionality. The main thrust of this program is to assist classroom teachers to develop their own educational diagnosis, prescriptive decisions, and delivery of treatment. Direct service to students is limited to short-term instruction carried out with individual students in regular classrooms for the purpose of demonstrating special techniques to the teacher(s). Because of the heavy responsibility placed on personnel serving as consulting teachers, this plan will be approved on an individual basis until definitive guidelines are developed.

ITINERANT TEACHER PLAN

'Itinerant teacher plan' means a plan for the delivery of special education services under which a special teacher provides direct service to exceptional children enrolled in the regular education classroom. The major role of the teacher shall be to provide specialized individual and small group instruction and to provide consultation to the regular

education teacher or teachers (K.A.R. 91-12-22(t)). Whenever possible, instruction of the student should be done in the classroom setting in order to facilitate communication between the specialist and the regular teacher. Adequate facilities should be available for instructional activities which cannot be appropriately carried out in the classroom. The itinerant teacher also provides direct services to handicapped students or those students who are returning to the regular classroom after a period of time in a more intensive program.

The itinerant teacher may be scheduled to serve in two or more schools. Caution should be used, however, to ensure the most efficient use of the teacher's time. Excessive travel time or scheduling which does not allow enough time for coordination with the regular classroom teacher may reduce the effectiveness of the program.

RESOURCE ROOM PLAN

'Resource room plan' means a plan for the delivery of special education services under which exceptional children are enrolled in a regular education program, but go to a specially equipped room to receive special education services from a special teacher. The special resource room teacher shall be responsible not only for the resource room, but also for maintaining communication with the regular classroom teacher or teachers of the exceptional children (K.A.R. 91-12-22(hh)). Like the itinerant teacher, the resource room teacher provides both instructional and consultative services. This implies that scheduling must allow for work with other teachers. The amount of time spent by students in the resource room depends upon individual needs. However, the intent of the resource room plan is to provide supportive assistance to exceptional learners in the educational mainstream. This intent is violated if students spend most of their time in the resource room.

SPECIAL CLASSROOM PLAN

'Special classroom plan' means a plan for the delivery of special education services under which exceptional children are assigned to a special education class, but may receive some academic instruction in regular education classes. The special classroom teacher shall be responsible for monitoring the progress of the exceptional children in regular education classes and for providing appropriate support (K.A.R. 91-12-22(pp)). The extent of integration is determined by the learner's individual capabilities. A major difference between this program and the resource room plan is that in the resource room the pupil is enrolled in a general education program, whereas in this plan, the pupil is enrolled in a special education program and integrated to some degree into general education classes. Like general education students, special class students may engage in total school activities, such as school clubs, assemblies, and sports.

SPECIAL DAY SCHOOL PLAN

'Special day school plan' means a plan for the delivery of special education services under which the children are sent to a special purpose school that provides any of the following:

(1) Specialized curricula;
(2) modified facilities and equipment; or
(3) interdisciplinary, ancillary, medical, psychiatric, or social services for exceptional children, or some combination of these services (K.A.R. 91-12-22(qq)).

Day care centers, work activity centers, or sheltered workshops are common types of special day schools. Local education agencies may contract with accredited special day schools for services to children or youth for whom the program is appropriate. Local education agencies may also employ a teacher to work in the special day school setting.

Inasmuch as exceptional students enrolled in special day schools are segregated from their normal peers, this alternative should be used only when the unique needs of a learner cannot be met within the public school system. It is the responsibility of the local education agency to monitor student progress. The monitoring process should include a focus on the student's capability to re-enter the programs provided in the public schools.

RESIDENTIAL SCHOOL

'Residential school' means a facility which provides a total residential program of treatment and special education for exceptional children (K.A.R. 91-12-22(gg)).

A few handicapped students profit most from the intensive and comprehensive services provided by residential facilities. The total residential treatment program should include educational experiences which optimize the learner's ability to cope with his/her environment, and the ultimate goal should be to return learners to the community and the public schools. Cooperative agreements between residential centers and local education agencies can increase the program variations available to children and youth. Some learners may not require residential living arrangements, but may benefit from the residential educational program. Others who reside at the center may be able to function successfully in the public school setting.

HOSPITAL INSTRUCTION

'Hospital instruction' means a plan for the delivery of educational services under which the educational services are provided to children confined to hospitals or convalescent homes for psychiatric or medical treatment (K.A.R. 91-12-22(o)).

Both students with chronic disorders and those who are hospitalized for short periods of time recovering from accidents or illness are served in this program. Satisfactory programming requires a team approach involving the physician, other hospital personnel, and the school to which the student will return when he/she has sufficiently recovered.

HOMEBOUND INSTRUCTION

'Homebound instruction' means a plan for the delivery of educational services under which educational services are provided in the home of a child whose health problems are so serious that school attendance is impossible, or who is temporarily disabled by physical or mental illness (K.A.R. 91-12-(n)).

In some cases, students with severe and/or unusual handicapping conditions may receive short-term homebound instruction as a temporary measure until more appropriate arrangements can be made. Frequent re-evaluation of pupils receiving a homebound program is necessary. Discretion in the use of this plan is necessary, and long-term arrangements should be avoided. This is the most segregated of all special education plans.

Systematic Review of Alternative Placements

In order to guarantee the right of each exceptional student to be educated with his/her normal peers unless clear evidence is available that partial or full removal will provide an improved program for the student, each local education agency shall establish procedures for the systematic review of alternative placements. Requirements relative to systematic review of any special education placement are found in the SCREENING, EVALUATION, PLACEMENT, AND REVIEW section.

INDIVIDUAL CONSIDERATIONS

The application of the least restrictive environment principle in determining the appropriate program for an exceptional student occurs throughout the development, monitoring, and review of the student's individualized education program. General program questions which should be addressed include the following:

1. Have all procedural requirements been met?
2. Have all the data necessary to make a program decision been gathered?
3. Are the IEP team members familiar with the array of appropriate educational program options?

Specific questions pertaining to the student whose program is being considered are raised by the data on the student's current level of educational performance. This data should reflect the following:

1. Learning rate;
2. Learning style (for example, auditory or visual, reflective or impulsive);
3. Physical and/or sensory problems;
4. Communication skills;
5. Motivational factors;
6. Social/emotional adjustment with current peers and important others;
7. Areas of the learning process, curriculum, and setting affected by the problem;
8. Current level of performance;
9. Alternative strategies tried (for example, material modification, behavior management);
10. The frequency, intensity, and chronicity of the problem; and
11. The current goals and objectives for the student.

On the basis of this data, an individualized education program for the student is developed using the following guidelines:

1. Does the student need specialized materials, curriculum, or setting?
2. Would the student benefit from mastering specific coping strategies or other compensatory skills?
3. To what extent does the student need physical support such as adapted equipment?
4. How much structure within the learning environment is necessary for the student?
5. What specific areas of the educational program are affected by the student's academic, physical, and behavioral characteristics?
6. Does the intensity of services required dictate the need for a specialized environment? If so, what needs to occur to allow mobility to a less restrictive environment?

When the goals and objectives specified in the student's individualized education program have been reached, new goals and objectives shall be formulated . The most productive environment for the student, which is as near a normal setting as possible, is considered at each point in program planning.

COOPERATIVE AGREEMENTS

INTRODUCTORY STATEMENT

Districts may comply with the mandate to provide special education services by entering into cooperative agreements with other school districts. Two types of cooperative agreements are permitted by Kansas law: special educational cooperative agreements (K.S.A. 72-968) and interlocal agreements (K.S.A. 72-8230 — K.S.A. 12-2904). Advantages of a cooperative plan include quality programs at less cost per child, a broader range of services, and provision for exceptional children in the low incidence categories. These advantages are best realized when cooperative agreements are used to implement comprehensive special education services.

SPECIAL EDUCATION COOPERATIVE AGREEMENTS

A sponsoring district special education cooperative (K.S.A. 72-968) is a plan whereby the boards of two or more school districts within or without the state may enter into an agreement to provide special education services on a shared-cost basis. In these agreements one district shall be designated the sponsoring district; the remaining district(s) shall become participating districts. *The board of education of the sponsoring district is the legal body of the cooperative* under the Special Education for Exceptional Children Act for the purpose of operation and administration in providing education services. It is strongly recommended that special education cooperatives be comprehensive (include a full range of services).

Advisory Board

The special education cooperative customarily has an advisory board composed of the superintendents of the cooperating districts. This board does not have the power of a board of education of a unified school district. It may recommend certain policies and procedures, priorities, and budgeting requests which are later to be acted upon by the board of education of the host district.

Application for Approval

The application for approval of the special education cooperative contract should be sent to the Director of Special Education Administration Section for initial review. The State Board attorney will make a recommendation to the State Board of Education for final approval. *Application for state approval of each special education cooperative agreement or interlocal contract shall be submitted to the state board of education no later than 45 days prior to the proposed effective date of the agreement* (K.A.R. 91-12-50(b)).

SPECIAL EDUCATION INTERLOCAL AGREEMENTS

Under the authority of K.S.A. 12-2904 and K.S.A. 72-8230, school districts may enter into interlocal agreements and establish a separate legal entity to provide certain educational services. Any legal entity established under this permissive act which relates to education services shall be limited to one or more of the following: special education, vocational education, career education, media services, curriculum development, and inservice training for staff programs. The establishment of a board of directors to provide special education services does not absolve individual districts of their responsibilities as specified in K.S.A. 72-933 *et seq.*, K.A.R. 91-12-22 *et seq.*, and the *State Plan for Special Education.*

Board of Directors

The board of directors of an interlocal district shall be composed of at least one member from the board of education of each school district which enters into any such agreement. The function of such board shall be to cooperatively establish policies and procedures for implementation of the special service(s) for the cooperative. The responsibilities of the board shall include planning, setting priorities, budgeting, and recommending courses of action relative to the implementation of the special education service(s) and due process hearings. An interlocal board shall have the power and duties of a unified school district excluding the power of taxation. (See K.S.A. 72-8230(f).)

Application for Approval

Districts wishing to form an interlocal may apply to the State Board of Education for approval. *Each special cooperative agreement and interlocal contract providing for special education services shall be approved, if it meets statutory requirements, and if it includes the following:*

(1) a description of the special education service or services to be provided;
(2) a formula for determining the share of the cost to be paid by each district;
(3) the dates on which payments will be made;
(4) specifications of disposal of property upon the termination of the cooperative agreement or contract;
(5) a statement of the contract period;
(6) signatures of the president of the local board of education or designated board members of each of the participating parties; and
(7) provision for date and signature of the commissioner of education indicating approval by the state board of education (K.A.R. 91-12-50(a)).

In addition the Special Education Administration Section requires the following:

1. Identification of contracting districts. If not interlocal, the sponsoring district and cooperative district(s) are specified.
2. Number of children in each district to be served by this program.
3. Statement of affirmative action policy (civil rights assurance).
4. Assurance that due process procedures are being implemented.
5. Statement that programs shall meet the standards and criteria of the *State Plan for Special Education* and K.A.R. 91-12-22 *et seq.*
6. Statement that the cooperative agreement is subject to change or termination by the legislature.
7. Statement that the agreement may be changed only upon mutual agreement of all parties.
8. Such items as constitution and by-laws, teacher contracts, salary schedules, and budgets, which can be attached as addenda to the contracts.

TERMINATION OR REVISION

Any cooperative or interlocal agreement is subject to change or termination at any time by the legislature or by mutual agreement among the districts themselves (K.S.A. 72-968 and K.S.A. 12-2904(C)(5). *Revisions or terminations of special education cooperative and interlocal contracts shall be submitted to the state board of education for approval or disapproval* (K.A.R. 91-12-50(c)).

CONTRACTUAL ARRANGEMENTS

INTRODUCTORY STATEMENT

To provide special education services which are most appropriate for each child, the public schools have been given the authority to utilize various avenues in the development of quality programs. These alternatives include the establishment of special education services within a district, the formation of multidistrict special education cooperatives, interlocal districts, or certain specific contractual arrangements. K.S.A. 72-967 authorizes districts to contract with special purpose schools (accredited private nonprofit corporations, or public or private institutions) and with other school districts within or without the state for special education services. For service to preschool age children, districts may contract with programs that meet the State Board of Education's standards and have been approved by the Kansas State Department of Education (see EARLY CHILDHOOD HANDICAPPED section). State institutions may contract with individual school districts, a cooperative host district, or interlocal districts for special education services under the authority of K.S.A. 72-970. The following regulations apply to all such contractual arrangements.

GENERAL CONSIDERATIONS

Approvable Services

K.A.R. 91-12-36(a) requires local education agencies to contract only for special education services which have been approved by the Commissioner of Education, and authorized by the State Board. For out-of-state services, the contract must be with an agency or district that is approved or accredited by the Kansas State Department of Education.

Approval of Contractual Arrangements

Proposed contracts for special education services including proposed contracts with special purpose schools, shall be approved by the commissioner of education before the contracts are entered into. Three copies of each proposed contract shall be filed with the commissioner of education for review (K.A.R. 91-12-36(b)). Local districts will be notified by the Commissioner of his action. Services cannot legally be carried out or paid for without an approved contract. Reimbursement cannot be authorized or generated by a local education agency prior to the approval of both contracting parties and the Commissioner of Education. The special education services and special purpose school contracts must be approved by local parties and signed by the president of the board of education and the representative of the special purpose school. A designated board member may sign for the president but the superintendent or director of special education may not sign as a designee of the board.

A contract shall be approved if the commissioner of education approves the special education services or the curriculum provided for in the contract, and if the contract contains the following:

(1) The names of the contracting parties;

(2) *the authority pursuant to which the contract is entered into, either K.S.A. 72-967 or K.S.A. 72-970;*
(3) *a detailed statement of the special education services or the curriculum to be provided;*
(4) *the name of the child or children to be served;*
(5) *the related services to be provided;*
(6) *a provision limiting the term of the contract to the state fiscal year in which the services are to be provided;*
(7) *the cost of the services;*
(8) *a provision for termination of the contract for non-performance or lack of funding;*
(9) *the means by which the sending agency will implement individual education program procedures and monitor pupil progress;*
(10) *if the contract is between two school districts, agreement that the sending district will count the child for state and other financial reimbursement; and*
(11) *if the contract is between a state institution and a school district, a provision specifying the federal education of the handicapped support program, P.L. 92-142 or P.L. 89-313, under which the child will be counted for state or local financial entitlements* (K.A.R. 91-12-36(c)).

COUNTING PUPILS FOR STATE AND FEDERAL AID

Whenever an exceptional child is educated by a special school through a contractual arrangement (private nonprofit corporation or public or private institution) or by another school district under the provision of K.S.A. 72-967, such child shall be considered a pupil of the child's home district. As a pupil of the sending district, he/she shall be counted to the same extent as other pupils of the district for the purpose of determining entitlements and participation in all State, county, and other financial assistance or payments to the school district.

Whenever the education of an exceptional child is contracted by a school district with a State institution under the provision of K.S.A. 72-970, such child may be counted either by the State institution for support under P.L. 89-313 or by the school district for support under P.L. 94-142. In no case may the child be counted by both agencies. It is recommended that the contracting agencies cooperatively determine the more advantageous Federal funding source. This determination must be specified in the contract submitted to the Kansas State Department of Education.

When pupils are sent to out-of-state facilities, they may be counted by the sending district for State equalization aid. Such handicapped pupils may also be counted for support under P.L. 94-142 as well as for State Categorical Special Education Funding.

REIMBURSEMENT AND FINANCES

DEFINITION OF SPECIAL TEACHER

'Special teacher' is defined in K.A.R. 91-12-22(ss) as —

(1) *A teacher employed by a local education agency to provide special education services who is certified by the state board of education to instruct exceptional children;*

(2) *special education related services personnel certified by the state board of education;*

(3) *special education related services or instructional personnel who hold current certification from their respective licensing or registering agents appropriate for their special work;*

(4) *other related services or instructional personnel for which there is no licensing or registering agent who are employed to work with exceptional children. These individuals shall be approved on an individual basis by the special education administration section and shall be recommended for employment by their parent training institution;*

(5) *any instructional or related services paraprofessional who works under the supervision of a special education professional in an accredited or approved special education program.*

Included under this definition are art therapists, audiologists, counselors, dance movement therapists, music therapists, occupational therapists, school psychologists, school health personnel, school social workers, special education administrators/supervisors, special education teachers, speech and language clinicians, and special education paraprofessionals.

INTRODUCTORY STATEMENT

The cost of special education services is frequently in excess of, or in addition to, the cost of educating the average child. Some excess costs are due to special diagnostic procedures, low pupil/teacher ratios, special equipment and materials, and ancillary services which are required to meet the exceptional needs of handicapped or gifted learners. Also, the low incidence of certain handicapping conditions and the unequal distribution of children needing services may require unusual transportation arrangements which increase the expense of educating exceptional children. Recognizing these facts, the Kansas Legislature has, since 1951, appropriated State funds to assist school districts in establishing and maintaining special education programs. Local education agencies that provide special education services in compliance with this Plan shall be entitled to receive, in accordance with K.S.A. 72-978, (a) a portion of the travel allowances of special teachers; (b) a portion of the travel expenses incurred in transporting exceptional children or, in lieu of pupil transportation, a portion of the actual expenses incurred for the maintenance of exceptional children at a place other than their residence; and (c) reimbursement for approved program units.

SPECIAL EDUCATION REIMBURSEMENT FORMULA

Each year, in accordance with K.S.A. 72-978, pupil and teacher transportation and maintenance in lieu of transportation reimbursement are subtracted from the total State special education fund. The remaining funds are divided by the number of approvable special education full-time teacher equivalencies (FTE) to obtain the per unit amount of reimbursement. One FTE equals 1,080 clock hours. Each approved paraprofessional unit as defined in K.S.A. 72-962(h) is counted as one-half full-time equivalent special teacher. No special teacher or paraprofessional in excess of the ratio of special teacher to exceptional children authorized by the State Board of Education for the school district shall be counted in making computations under this act.

The following example illustrates the special education reimbursement formula. Given State special education funds of $53,503,101, transportation claims amounting to $7,004,601, and 4,500 approvable full-time teaching equivalencies, the formula would be —

$$\frac{\text{total funds} - \text{transportation costs}}{\text{full-time teaching equivalencies}} = \frac{\$53,503,101 - \$7,004,601}{4,500} =$$

$10,333 per FTE unit reimbursement

The above amounts do not represent actual figures for appropriations, claims, or FTE unit reimbursements.

COUNTING SPECIAL EDUCATION PUPILS FOR STATE, COUNTY, AND OTHER FINANCIAL ASSISTANCE

Entitlements Other Than Special Education Reimbursement

Districts have authority to —

1. Enter into cooperative agreements with one or more other school districts,
2. Contract with any school district, and/or
3. Contract with any special purpose school (accredited private nonprofit corporation or any public or private institution within or without the state) for special education services.

Whenever an exceptional child is educated in another district or in a special purpose school under the above provisions, that child is considered a pupil of the school district of which he/she is a legal resident for the purpose of determining regular State aid entitlement and other financial assistance and payments.

Special Education Reimbursement

Special education reimbursement for any program or exceptional child shall be in addition to any other assistance to which the district is otherwise entitled (K.A.R. 91-12-37(1)). Districts that provide special education services for certain exceptional children through approved contractual agreements with accredited special purpose schools may receive special education reimbursement for these children on a prorated basis. *The computation of reimbursement due a district for special purpose school contracts shall be based on the ratio of the number of children served to the average special class size for a given category of exceptionality, as determined annually by the state board* (K.A.R. 91-12-37(4)). Districts that provide special education services through approved contractual agreements with other districts may receive special education reimbursement for transportation only. It should be noted that tuition may be charged at a reasonable rate for nonresident pupils. Contracts between the sending and receiving parties must be approved by the State Commissioner prior to implementation of the service.

Children In State Institutions

If any exceptional child is housed, maintained, and provided special education services at a state institution, the child shall not be counted by the local school district, but shall be counted by the institution for any entitlements or financial assistance (K.A.R. 91-12-37(a)(5)).

ESTABLISHMENT OF SPECIAL EDUCATION FUND

K.S.A. 72-7057 requires every local education agency to establish a *Special Education Fund.* All special education expenditures must be paid from this fund. While itemized claims are not required by the Kansas State Department of Education, accurate records should be kept by the local education agencies for auditing purposes. Such records should include expenditures and lists of supplies, equipment, transportation, contractual agreements, and funding sources used.

SPECIAL EDUCATION COOPERATIVES AND INTERLOCAL AGREEMENTS

Boards of education of two or more school districts, who enter into agreements to provide for cooperative special education services, may do so on a shared-cost basis as outlined and agreed to by all districts involved via a cooperative contract or an interlocal agreement.

In a cooperative contract, one district shall be designated as the sponsoring district and shall be responsible for submitting all necessary annual survey, reimbursement, and other forms deemed necessary by the Kansas State Department of Education. The sponsoring school district shall be recognized as the legal representative of any cooperative program.

In an interlocal agreement the special education cooperative becomes a legal entity. An interlocal board is formed and is responsible for all policies necessary to carry on the special education programs except that they do not have taxing authority.

In both the cooperative contract and interlocal agreement a special education fund is established. All districts will remit their contract obligations to the fund. Pupil transportation may be included or excluded as part of any cooperative agreement. If excluded, each district within the cooperative must submit its own annual survey form and reimbursement requests for pupil transportation.

REQUIREMENTS FOR APPROVED PROGRAMS
(Full-Time Teaching Equivalencies)

Districts maintaining special classes in the public schools or providing special education services in any other manner shall receive State reimbursement if the classes, schools, or special education services are approved by the Kansas State Department of Education. Approval will be based on program location, size of classes, appropriateness of facilities, conditions of admission and reassignment of pupils, adequacy of equipment, courses of study, method of instruction, and qualifications of teachers. *Each district maintaining a program less than full-time (1,080 clock hours) shall be reimbursed on a prorated basis. No reimbursement shall be made for staff employed less than half-time unless approved by the state special education administration section* (K.A.R. 91-12-37(a)(2)(3)).

Summer School Programs

Summer school programs serving exceptional children are permitted and may receive special education reimbursement. Reimbursement will be prorated from the FTE unit reimbursement for the fiscal year according to the number of days or clock hours of instruction offered. In other words, a summer school program of 45 days/270 clock hours would receive reimbursement in the amount of one-fourth of the FTE unit reimbursement (180 days/1,080 clock hours) for the current fiscal year.

Preschool Programs

Preschool programs serving exceptional children (ages birth to school age) are permitted and may receive special education reimbursement. Reimbursement will be prorated from the FTE unit reimbursement for the fiscal year according to the number of days or clock hours of instruction offered.

TRANSPORTATION

Each school district which has provided approved special education services shall be entitled to receive reimbursement for the extra travel expenses incurred. Such extra expense may be incurred by special teacher/paraprofessional travel, pupil transportation, or pupil maintenance in lieu of transportation.

Pupil Transportation

Pupil transportation reimbursement shall be in an amount equal to 80 percent of the actual travel expenses incurred each school year. When transporting exceptional children, the district shall enforce applicable safety standards and should assure that adequate liability coverage is maintained. Travel time for each child should not exceed one hour each way (K.A.R. 36-13-31(3)(c)) without parental consent. When more than one pupil is transported in the same vehicle, the amount which can be claimed shall be based on the average cost per pupil utilizing this vehicle.

Teacher and Paraprofessional Travel Allowance

Actual travel allowance to special teachers during the conduct of assigned duties directly related to providing special education and related services may be reimbursed as prescribed in K.S.A. 72-978 (K.A.R. 91-12-37(b)(2)). Expenses to attend professional meetings, inservice, etc. are not reimbursable. Reimbursement shall not exceed 80 percent of the actual travel expenses incurred per special teacher per school year. The same rate applies whether the travel is by the teachers/paraprofessionals' private car or by a school owned vehicle. If more than one teacher travels in the same vehicle, the amount which can be claimed shall be based on the average cost per teacher.

In-District Pupil Transportation by School Bus

Reimbursement for the actual expense of transporting any exceptional child to special education services provided in the school building normally attended by the child shall be claimed in accordance with the provisions of K.S.A. 72-7047 or any amendments to this statute (K.A.R. 91-12-37(b)(1)(A)).

Any additional cost incurred in transporting any exceptional child to another facility where that child receives special education services shall be reimbursed as prescribed in K.S.A. 72-978. Reimbursement for the actual costs of providing transportation to other facilities for the purpose of diagnosis or evaluation may be claimed (K.A.R. 91-12-37(b)(1)(B)). Special education reimbursement will not be paid for any exceptional child who has been counted in calculating regular State transportation aid.

In other words, if an exceptional child —

1. Would ordinarily be transported to his/her attendance center by the district's regular bus system, and
2. Is transported by the district's regular bus system, and
3. Is provided special education services in his/her regular attendance center.

he/she should be counted in calculating regular State transportation aid and not be counted in calculating special education pupil transportation reimbursement.

If an exceptional child —

1. Would ordinarily be transported to his/her attendance center by the district's regular bus system, and
2. Is transported by the district's regular bus system, and
3. Is provided special education services in an attendance center other than his/her regular attendance center,

that child may be counted in calculating regular State transportation aid for the distance to his/her regular attendance center. Travel expenses incurred in transporting that child from his/her regular attendance center to the attendance center in which special education services are provided may be counted in calculating special education transportation reimbursement.

Special education in-district pupil travel reimbursement is paid at 80 percent of the actual travel expenses. When more than one exceptional child is transported by the same vehicle, the amount claimed is based on the average cost per pupil utilizing this vehicle. For example, if the actual cost per year to transport five students is $700.00, reimbursement would be 80 percent of $700.00 or $560.00.

Pupil Transportation by Special Vehicle

Some exceptional children have handicapping conditions that make travel by regular school bus unrealistic and therefore require special arrangements for transportation. Such means may include taxicabs, automobiles, and specially equipped buses or vans. The administrative unit is responsible for making and scheduling arrangements for such transportation and assuring that planned schedules are met. The responsible school authority shall assure that all applicable safety standards are enforced and should assure that adequate liability coverage is maintained. Parental consent shall be obtained if travel time for any child exceeds the limitations set forth in general transportation rules and regulations.

When more than one exceptional child is transported by the same mode of transportation, the amount which can be claimed shall be based on the average cost per pupil utilizing this vehicle.

The cost for modification of authorized school district vehicle to accommodate handicapped children or provision of special equipment, such as ramps and hoists, is reimbursable, subject to prior approval by the Kansas State Department of Education.

Transportation Contracts

If a school district, of necessity, must contract with a parent or other private party for transportation of an exceptional child, the cost to the district to deliver the child to his/her program and return him/her to his/her home may be reimbursed. *Each district that enters into a transportation contract shall be responsible for making payment to the party providing the transportation. Transportation reimbursement shall be available to any district that actually provides transportation for exceptional children, if the special education services are provided through approved contractual agreements* (K.A.R. 91-12-37(b)(1)(E)(F)). Two round trips per day may be reimbursed but in no case can the reimbursement exceed 80 percent of actual cost incurred per exceptional child per year.

In-State/Out-of-State Diagnosis or Service

Reimbursement for transportation to and from in- or out-of-state residential facilities or institutions is permitted, provided the local school district has agreed to and incurred such expenses. Transportation may be by public, private, or school owned vehicle. Such expenses must be approved by the Kansas State Department of Education. In the event a child is enrolled in a residential facility or institution after the annual survey form has been submitted to the Kansas State Department of Education, an updated request must be submitted. If funds are available and approval is granted by the Kansas State Department of Education, reimbursement will be made to the sending district as part of the final payment.

K.A.R. 91-12-37(b) authorizes reimbursement for transportation provided to centers, clinics, and other facilities for the purpose of diagnosis, evaluation, or continuing educational services.

Non-Resident Pupil Transportation or Maintenance

If an exceptional child is transported to special education services in a district other than the one in which he/she resides, transportation costs may be paid by either the sending or the receiving district. Special education reimbursement will be paid as requested and approved on the annual survey form.

Expenses incurred to provide room and board or nonmedical care, or both, to any exceptional child shall be at no cost to the parents of the child if the school district in which the child resides provides special education services to the child at a place outside the school district in which the child resides (K.A.R. 91-12-37(c)). Costs of such maintenance may be met by funds from any public or private source including insurers and similar third parties. A portion of the costs incurred by a school district are reimbursable. Reimbursement in lieu of transportation may be claimed for 80 percent of the actual maintenance expenses up to a limit of six hundred dollars per exceptional child per school year.

A boarding facility operated by a school district may use a combination of various non-State or Federal funding sources, such as private donations, gifts, and estates, to help defer operating costs and also be eligible for State and Federal monies. In the combination and use of these funds, care must be taken to protect against duplicate funding for the same services, equipment, supplies, and facility maintenance.

Provisions for Severely Multiply Handicapped/Deaf-Blind

K.S.A. 72-853 authorizes the Kansas State Department of Education to expend available funds for the purpose of sending children who are deaf-blind or otherwise severely handicapped to any facility, school, or institution within or without the state of Kansas which provides a qualified program of education for such children. These funds may be spent for evaluation and diagnosis, room, board, tuition, transportation, and other items which are necessarily relevant to the education of such children. In interpreting and carrying out the provisions of this act, the term *deaf-blind children*, whenever used, shall be construed to include any child whose combined handicaps of deafness and blindness prevents him/her from profiting satisfactorily from educational programs provided for the blind child or the deaf child. *Otherwise severely handicapped children*, wherever used, shall be construed to include any child whose handicap or combination of handicaps prevents him/her from profiting satisfactorily from educational programs provided through a sponsoring public school district in this state. (L. 1959, ch. 311, Sub. Sec. 1: June 30.) Additional information regarding application forms and payment procedures may be found in the program guidelines for the Severely Multiply Handicapped/Deaf-Blind.

PROCEDURES FOR OBTAINING SPECIAL EDUCATION REIMBURSEMENT

Any district requesting reimbursement under the Special Education for Exceptional Children Act shall submit prescribed forms to the State Department of Education. Every district shall make such periodic and special reports of statistical and financial information as requested by the State Board.

SCHEDULE FOR PAYMENTS TO DISTRICTS

If, after receipt of the required reports from the administering units, the Kansas State Department of Education is satisfied that the special school, class, center, or other service maintained during the school year has been in accordance with law, payment shall be made on the following schedule:

1. November 1: Payment based upon an amount equal to 50 percent of the estimated entitlement per full-time teaching equivalency unit.
2. March 1: Payment based upon an amount equal to 35 percent of the estimated entitlement per full-time teaching equivalency unit.
3. June 25: Final payment which includes full entitlement (including transportation) less payments made on November 1 and March 1.
4. Individual claims for homebound and special purpose schools and summer programs will be made as a part of the June 25 final payment.

Special education reimbursement will be based on the number of full-time equivalency teachers/paraprofessionals employed as of September 1. Any approved personnel employed after September 1 will be reimbursed at a rate equal to the proportion of the number of full months employed to the full school year (nine months). For example, if the FTE reimbursement was $10,333.00 and the employee was hired November 1, the local education agency would be entitled to .8 FTE x $10,333.00 = $8,266.40.

In the event that any district is paid more than it is entitled to receive under any distribution made under this act, the Kansas State Department of Education shall notify the district of the amount of such overpayment. Such district shall remit the amount of overpayment to the Kansas State Department of Education. The Kansas State Department of Education shall remit any money so received to the State treasurer, and the State treasurer shall deposit the same money in the State treasury to the credit of the general fund. If any district fails to remit, the Kansas State Department of Education shall deduct the excess amounts paid from future payments becoming due to such district. In the event any district is paid less than the amount to which it is entitled under any distribution made under this act, the Kansas State Department of Education shall pay the additional amount due at any time within the school year in which the underpayment was made or within sixty days after the end of such school year.

FACILITIES

DEFINITION

School facilities include any setting in which instruction and school related activities occur, such as classrooms, itinerant service areas, physical education areas, and playgrounds. These also include areas for extracurricular, dining, and athletic activities.

INTRODUCTORY STATEMENT

State and Federal legislation requires that all children have equal opportunity to a free and appropriate public education. In order for this to occur, all educational programs and services must be accessible to children with physical and sensory handicaps which impede mobility. Safety precautions also must consider children with various handicapping conditions, such as the hearing impaired who cannot respond to auditory warning signals. Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112) and its effectuating regulations 45 CFR 84 detail the requirements of program accessibility. K.S.A. 58-1301 *et seq.* requires provisions for parking spaces and building accessibility for handicapped persons. In addition to Section 504, P.L. 94-142 mandates the provision of educational services for handicapped children in least restrictive educational environments. When handicapped children cannot be educated in the regular school setting, alternative placements, such as self-contained classrooms or special education schools, shall be comparable to other school facilities, services, and activities for non-handicapped children.

PROGRAM ACCESSIBILITY

Existing Facilities

Educational programs in existing facilities must be made accessible to exceptional students. Schools are not required to make structural changes in existing facilities when the participation of a handicapped student in classes, services, or activities can be achieved through other alternatives. For example, when parts of a building are accessible, the school can reassign the necessary classes or activities to that part of the building. A paraprofessional can be assigned to assist the student to less accessible areas.

Section 504 of P.L. 93-112 requires that any school needing to complete structural changes develop a plan stating the steps necessary to complete the changes. Input from handicapped persons or advocacy groups is required in the development of this plan which then must be made available for public inspection. The contents of the plan are as follows:

1. Identification of the obstacles that limit accessibility,
2. Description of the methods to be used to make the facility accessible,
3. A schedule of changes, and
4. Indication of the person responsible for the implementation.

All necessary structural changes were to have been completed by June 1, 1980.

New Construction

Plans for construction of any new school facility shall assure accessibility, protection, health, and the least restrictive environment for exceptional children. This same requirement applies to new alterations or remodeling of existing facilities.

LEAST RESTRICTIVE EDUCATIONAL SETTINGS

Federal, State, and local laws explicitly state that to the maximum extent appropriate, each handicapped child shall be educated in the same setting provided for his/her non-handicapped peers. When the location of special education programs is chosen, consideration should be given to the provision of opportunities for exceptional students to interact with regular students in academic and/or non-academic settings K.A.R. 91-12-38 specifies:

(a) *All facilities for exceptional children shall be comparable to those for non-exceptional children within the same school building.*

(b) *If any local education agency operates a facility solely for exceptional children, the facility and the services and activities provided in the facility, shall be comparable to those provided to non-exceptional children.*

(c) *Special teachers and special education supervisors shall be provided office space, secretarial assistance and telephone service.*

Suggestions for facilities and equipment appropriate to specific program areas are included in those specific sections of this Plan. For legal requirements in modifying facilities for exceptional students, local education agencies may request assistance from Architectural Services, Kansas State Department of Education.

EXCEPTIONAL CHILDREN ENROLLED IN PRIVATE SCHOOLS

STATE STATUTUES AND REGULATIONS

K.S.A. 72-5393 and K.A.R. 91-12-39 set forth the responsibility of school districts for exceptional children enrolled in private schools. These provisions are interpreted in Attorney General Opinions #81-27, #81-43, and #82-145. The special education services required by State statute and regulation must be provided to *all* exceptional children of school age. Therefore, school districts must make available to private school students the following services:

1. Screening and identification services,
2. Appropriate special education services, as specified in an individualized education program,
3. Transportation to special education services when necessary, and
4. Procedural due process.

The services provided to private school students must be comparable in quality, scope, and opportunity for participation to the services provided for public school students. However, if the needs of students enrolled in private schools are different from the needs of students enrolled in public schools, the local education agency must provide different services appropriate to individual needs. Special education services may be provided to private school students through such arrangements as dual enrollment, or mobile equipment.

Public school personnel may be assigned to serve in other than public facilities to the extent necessary to provide equitable special education services for students enrolled in private schools, if those services are not normally provided by the private schools. *Special education services, including therapeutic and diagnostic psychological and speech and hearing services, may be provided in a sectarian facility, if the location is religiously neutral* (K.A.R. 91-12-39(b)). *'Religiously neutral location' means an area which, at a minimum, is free of religious symbols, contains material and equipment separate from that used in a sectarian facility if the location is part of a sectarian facility, and which is under the control of public employees who are not subject to supervision by sectarian school administrators* (K.A.R. 91-12-22(ff)).

K.A.R. 91-12-39 places the following restrictions on the use of State and Federal funds for the education of exceptional children enrolled in private schools. *Each local education agency shall:*

(1) Maintain administrative control and direction over special education and related services provided by the local education agency to exceptional children attending private schools. In exercising administrative control, records and accounts for equipment shall be kept to ensure that equipment is used solely for the purposes of the specified program or project;

(2) ensure that state and federal funds for services to exceptional children in private schools not be used to pay the salaries of private school personnel;

(3) ensure that state and federal funds are not used either to construct private school facilities or to purchase equipment for private schools; and

(4) provide that projects and programs carried out at public expense do not separate children on the basis of school enrollment or religious affiliation.

State and Federal funds must be used to meet specific needs of students enrolled in a private school rather than the needs of the private school or the general needs of the students enrolled in the private school. A local education agency may not use State and Federal funds to finance the existing level of instruction in a private school or to otherwise benefit the private school.

State and Federal funds for services for exceptional children in private schools may not be used for any salaries of private school personnel. However, payment may be made for contracted services of such personnel outside their hours of duty when the employee performs the services under public supervision and control.

REQUIREMENTS RELATED TO FEDERAL PROJECTS

As a condition of eligibility for receiving Federal funds administered by the State Department of Education for the education of exceptional students, Education Division General Administrative Regulations (EDGAR) require each local education agency to:

1. Provide students enrolled in private schools with genuine opportunity for equitable participation. Applicants for funds shall consult with appropriate private school personnel:
    a. During all phases of the development and design of the project covered by the application, including consideration of: which students will receive benefits; how the students' needs will be identified, what benefits will be provided and how these benefits will be provided; and how the project will be evaluated, and
    b. Before making any decision that affects the opportunities of students enrolled in private schools.

    These representatives shall be provided a genuine opportunity to express their views regarding the above listed subject matter.
2. Determine the needs of students enrolled in private schools, the number of those students who will participate in the project, and the benefits to be provided these students. This determination shall be made on a basis comparable to that used by the applicant to determine the participation of public school students.
3. Assure the expenditure of the same average amount of Federal funds on a student enrolled in a private school who receives benefits under the program and a student enrolled in public school who receives benefits under the program. A different average amount may be expended on private school students benefiting from the program if the average cost of meeting their needs is different from the average cost of meeting the needs of public school students.
4. Maintain continuing administrative control over funds and property that benefit students enrolled in a private school. A local education agency must keep title to and exercise administrative control of all equipment and supplies placed or used in a private school. The local education agency must ensure that any equipment or supplies purchased with Federal funds and placed in a private school are used only for the purpose of the Federal project and can be removed from the private school without remodeling. Such supplies and equipment shall be removed from the private school when no longer needed for purposes of the project. Removal is also required to avoid use of the equipment or supplies for other than project purposes.

5. Include the following information in its application.
    a. A description of how the applicant will meet the Federal requirements of 45 CFR 76.651-662 for participation of students enrolled in private school;
    b. The number of students enrolled in private schools who have been identified as eligible to benefits under the program;
    c. The number of students enrolled in private schools who will receive benefits under the program;
    d. The basis the applicant used to select the students;
    e. The manner and extent to which the applicant complied with the requirements for involvement of appropriate private school personnel in planning and implementing the project;
    f. The places and times that the students will receive benefits under the program; and
    g. The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.
6. Assure that special education classes are not organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and/or the classes include both private school and public school students.
7. Assure that program funds are not used for the construction of private school facilities.

Counting Private School Exceptional Students for State and Federal Funding

Any exceptional student dually enrolled in a private school and public school on September 15 may be included in the public school's full-time equivalency (FTE) enrollment. Students may be counted for any portion of an FTE enrollment.

All private school handicapped students receiving special education services as specified in a current individualized education program should be included in a district's December 1 head count for funding under P.L. 94-142.

State special education reimbursement may be claimed for costs incurred in transporting exceptional private school students to public school special education programs.

PROCEDURAL RESPONSIBILITIES

SCREENING, EVALUATION, PLACEMENT, AND REVIEW PROCEDURES

INTRODUCTORY STATEMENT

Kansas legislation charges the State Board of Education with responsibility for establishing *criteria for screening, diagnosis and certification of exceptional children including physical, educational, and psychological examinations* (K.S.A. 72-963). Kansas schools are required to provide basic vision and hearing screening without charge to every pupil (K.S.A. 72-5205 and K.S.A. 72-1205). The following policies and procedures have been adopted by the State Board of Education in order that all exceptional children in the state may be located, evaluated, identified, and provided appropriate special education programming. These policies and procedures are compatible with the requirements of the Education of the Handicapped Act as amended by P.L. 93-380 and P.L. 94-142 and Section 504 of the Rehabilitation Act of 1973.

LOCAL EDUCATION AGENCY RESPONSIBILITIES

To provide appropriate educational programs for all exceptional children, local education agencies are responsible for the following:

1. Systematic screening procedures;
2. Comprehensive and nondiscriminatory evaluation/diagnosis and identification/certification;
3. The development of an individualized education program which ensures placement of the child in an appropriate service model and specifies the objectives, implementation, and evaluation of the child's educational program; and
4. The provision of periodic review and readjustment of the child's program.

CRITERIA FOR SCREENING/DIAGNOSIS

Screening is the first step in the identification of exceptional children, but it is not a special education action. Screening procedures consider all children in a given population in order to locate those who may be in need of special education services. Because all children participate in screening activities, prior written parental consent is not required. No child shall be placed in any special education program solely on the basis of screening activities.

K.A.R. 91-12-40(a) requires — each local agency to *implement systematic and on-going screening procedures which identify school age children who may require special education services. Screening is the first phase in the identification of exceptional children and shall not be used as a basis for placement or programming.* The procedures that must be implemented are as follows:

(1) Procedures shall include:
(A) Mandatory hearing and vision screening;

(B) an age-appropriate, developmental instrument or procedure designed to identify possible physical, intellectual, social or emotional, language or perceptual deviations; and

(C) any other instruments or procedures needed to supplement the above.

Such instruments/procedures may include the following:

- teacher and parent referrals or self-referral by students,
- behavioral checklists,
- group achievement and/or intelligence tests,
- adaptive behavior observations,
- teacher/parent observation, and
- other techniques developed locally by multidisciplinary efforts.

After screening has been completed, the screening committee shall make the appropriate follow-up necessary for the student. When the child's performance indicates the possibility of the presence of a handicapping condition or giftedness, he/she shall be referred for a comprehensive evaluation.

PRESCHOOL SCREENING

Preschool screening is required. Preschool means birth to school age as defined in K.A.R. 91-12-22. The focus of preschool screening may be the location of children with suspected developmental problems. Mass screening need not be undertaken if a local education agency conducts appropriate public awareness activities and actively recruits the participation of parents who suspect that their child may have a handicapping condition. Screening services must be made available to preschool children about whom parents are concerned in regard to future educational progress. The minimum screening includes all of the following:

(1) Each local education agency shall implement screening procedures to identify preschool children who may need special education. These screening services shall be made available a minimum of once a year.

(2) At a minimum, preschool screening procedures shall use developmental or age-appropriate instruments or measures for all of the following:

(A) Hearing screening, including testing of middle ear function and behavioral audiometry;

(B) vision screening, including behavioral and observational signs of vision problems in addition to basic vision screening;

(C) developmental screening which does not depend entirely on interview information, group tests, or intelligence testing. This screening shall include:

(i) communication skills;
(ii) gross and fine motor skills;
(iii) cognition;
(iv) social and emotional adjustment; and
(v) self-help skills (K.A.R. 91-12-40(b)).

Local education agencies are encouraged to involve other local agencies serving preschool children with handicapping conditions. These local agencies and programs include but are not limited to Head Start, Developmental Child Care Centers, Public Health, Community Mental Health, Social and Rehabilitation Services, Developmental Disability Services, Child Care Associations, Advocacy Organizations, and Institutions of Higher Education. Interagency cooperation is possible in the areas of —

- Public awareness activities
- Referral

-- Staff for screening
-- Resources as possible service providers after the screening

Each local education agency shall document activities to publicize preschool screening (K.A.R. 91-12-40(b)(3)). These activities may include the following:

-- Radio announcements
-- Newspaper announcements
-- Flyers through schools, banks, church bulletins
-- Employers, commercial establishments, local agencies
-- TV/radio "talk" shows
-- TV/radio news
-- Staff presentations at local organizations

K.A.R. 91-12-40(b)(4) requires that — *After each preschool screening, each local education agency shall be responsible for:*

(A) Recommending local and statewide resources to the parents and sending records to the recommended resources as appropriate;
(B) keeping records on each child screened; and
(C) sending summary data to the state department of education.

CRITERIA FOR EVALUATION/DIAGNOSIS

Due Process in Preplacement Evaluation Procedures

The evaluation which is conducted to determine eligibility for special education and to provide the basis for developing an individualized education program is a special education action. K.A.R. 91-12-40 requires the initiation of a comprehensive individual evaluation whenever screening, referral, or lack of progress indicates that a child may be exceptional as defined by K.S.A. 72-962. The preplacement evaluation may not be initiated without affording the child and the child's parents due process. Due process also is afforded the child and his/her parents if the school denies their request for a comprehensive evaluation. Prior written notification of the school's proposed action and proper steps to obtain parental consent to that action is required. No child may be placed in special education prior to the completion of a comprehensive evaluation (K.A.R. 91-12-40(d)). (See PROCEDURAL DUE PROCESS section.)

No child enrolled in regular education shall be identified as exceptional until the multidisciplinary team has documented the following:

(1) That the child has been presented with learning experiences which are appropriate for the child's age and ability levels; and
(2) that the child's potential for learning has not been achieved in that regular education environment (K.A.R. 91-12-40(c)).

Requirement for Evaluation Procedures

It is the intent of State and Federal law to ensure that children are not misclassified as exceptional because of inappropriate selection, administration, or interpretation of evaluation materials. Toward that end any preplacement evaluation and any subsequent re-evaluation shall meet the following requirements of K.A.R. 91-12-40(d)).

(1) All evaluation procedures shall be nondiscriminatory as prescribed in K.S.A. 72-963.
(A) When any child is from a home in which English is not the principal language, the local education agency shall determine the language best understood by the child. The comprehensive evaluation or access to special education services shall not be postponed solely because that child cannot communicate effectively in English.

When a child is from a home in which English is not the principal language, the local education agency must determine the language best understood by the child. If the child's preferred language is not English, the school may do the following:

- -- Use a qualified evaluator fluent in both the child's primary language and in English. This is the preferred alternative and shall be the alternative used unless the local education agency can demonstrate that use of this alternative was clearly not feasible.
- -- Use an interpreter to assist the evaluator and child with language and testing.
- -- Select test instruments which lessen cultural factors and do not stress spoken language.

If a delay occurs while the local education agency locates appropriate test instruments or interpreters, a diagnostic prescriptive educational program may be implemented. However, any postponement of a comprehensive evaluation or access to special education services is to be strictly limited.

(B) *If any child has sensory, motor, or speaking impairments, tests shall assess whatever factor the test purports to measure rather than reflect that child's impaired communication skills.*

The following suggestions are for evaluating children with communication impairments:

- -- Non-language performance scales standardized on or adapted for the area of exceptionality involved;
- -- Visual communication techniques in place of, or in addition to, auditory techniques;
- -- Auditory communication techniques in addition to large print or transcribed braille tests; and
- -- An aide who is skilled in finger signing or total communication to assist the evaluator.

(2) *The comprehensive evaluation shall be multidisciplinary and multisourced. No child shall be placed in special education on the basis of a single evaluation procedure, instrument or measure.*

The evaluation must be based upon a variety of assessment procedures appropriate to the exceptionality manifested. (See each program area section.) The intensity and type of evaluation shall be determined by the nature of the child's strengths and weaknesses. A child may not be placed in special education on the basis of a single measure nor on the basis of tests normed as group tests. In all cases, consideration shall be given to the following:

- -- the child's developmental, psychological, social, and educational functioning;
- -- his/her physical health or sensory impairment which may influence learning; and
- -- the classroom and school learning climate.

Informal measures may be used to obtain information about the child's current level of functioning. Input from parents and other appropriate nonschool personnel are to be included to obtain a comprehensive view of the child.

(3) *If any child is suspected of having specific learning disabilities, the provisions of K.A.R. 91-12-58 shall be followed.*

(4) *Any test or other evaluation material used as a part of any comprehensive evaluation shall have been validated for the specific purpose for which the test or other material is used and shall be administered in conformance with the instructions provided by the producer of the test or material.*

(5) *Any test used as a part of any comprehensive evaluation shall be administered by a professional holding current certification or licensure to administer and interpret that test. Public school psychological evaluations shall be carried out only by an approved school psychologist certified by the Kansas state department of education or by an appropriately trained psychologist certified by the Kansas behavioral sciences regulatory board and reported to the Kansas state department of education.* When interns or practicum students are in training, evaluations carried out by these students may be used for placement decisions if reviewed and signed by the supervising professional. Responsibility for the validity and reliability of any test results obtained by students and used to make placement decisions lies with the supervising professional.

(6) The special education administrator of each local education agency shall certify that each child eligible for special education placement has had an appropriate and complete evaluation. For children who have a speech impairment as their only apparent exceptionality, a qualified speech/language clinician shall evaluate those children using procedures that are appropriate for the diagnosis and appraisal of speech and language disorders. The speech/language clinician shall verify the absence of learning or behavioral problems through examination of the child's records or conferences with parents and teachers, or both. If referral for an additional evaluation by other professionals is not indicated, the comprehensive examination may then be considered to be complete.

(7) After any child has been assessed in all areas related to a suspected disability, that child's evaluation team shall meet to determine whether the evaluation results indicate that the child needs special education services. The child's parents shall have the opportunity to attend this meeting or to have their opinions expressed by a member of the team. If an evaluation team recommends a child for special education services, the evaluation results shall be made available for use in developing the individualized education program. In no case shall the decision to place a child in special education be made solely by one person, even though this person may have considered the data collected by all members of the evaluation team.

(8) Each comprehensive evaluation shall be completed as soon as possible following the referral. (K.A.R. 91-12-40(d))

INDIVIDUALIZED EDUCATION PROGRAM

If it is determined as a result of the evaluation that a child is in need of special education services, an individualized education program (IEP) shall be developed. The individualized education program is a written statement of the special education and ancillary services needed by a child based on his/her current level of functioning. It assigns responsibility for the delivery of these services, sets forth the anticipated changes in the child's behavior, and describes how these changes will be measured. Parents and, when feasible, the child must be given opportunity for active participation in its formulation.

As described in K.A.R. 91-12-41(a), *An individualized education program (IEP) shall be developed for each child in need of special education services. The IEP shall be developed prior to placement in a special education program. This requirement shall not preclude temporarily placing an exceptional child in a special education program as part of the evaluation process before the individualized education program is finalized, if:*

(1) The child has been determined, through the comprehensive evaluation, to be eligible for special education, but more information is needed to determine the most appropriate placement;

(2) *an interim individualized education program is developed which sets out the specific conditions and timelines for the trial placement;*
(3) *the child's parents give written consent to the interim placement before it is carried out;*
(4) *a specific period of time, not exceeding 30 days, is set for completing the evaluation and making decisions about the most appropriate placement; and*
(5) *a meeting is conducted at the end of the trial period in order to finalize the child's IEP.*

The interim IEP provision is included to facilitate delivery of services to—

1. Children whose complex problems require extended diagnosis and trial placement.
2. Special education students with incomplete or missing records who change district of residence.

Other unusual circumstances may result in temporary placement, but it is not intended that an interim IEP be developed for all children being placed for the first time.

If an exceptional child has been receiving special education in one local education agency and moves to another community, it is not necessary for the receiving local education agency to conduct an IEP meeting if—

1. A copy of the child's current IEP is available;
2. The parents give written consent to the services specified in the IEP; and
3. The receiving local education agency agrees that the current IEP is appropriate and can be implemented as written.

If the child's current IEP is not available or if either school or parent believes that it is not appropriate, an IEP meeting shall be conducted.

Participants in Development

K.A.R. 91-12-41(b) requires that, *The IEP shall be written and subsequently reviewed and revised as needed, but at least annually, in a meeting which includes:*

(1) *A representative or representatives of the local education agency, other than the child's teacher or teachers, who is qualified to provide or supervise the provision of, special education services;*
For a child who has been evaluated for the first time, this person must have participated in the staffing conference and be qualified to interpret the written findings of the comprehensive evaluation to the parents. It is recommended that the local education agency be represented by a person who is authorized to make administrative decisions relative to the services to be provided.
(2) *the child's teacher or teachers;*
(A) *For any child who is receiving special education, the teacher shall be the special education teacher with primary responsibility for implementing the child's individualized education program. If the child's primary handicap is a speech or language impairment, the teacher shall be the speech or language clinician.*
(B) *For a handicapped child who is being considered for placement in special education, the teacher shall be the child's regular classroom teacher, or a teacher qualified to provide education in the type of program in which the child may be placed, or both.*
(C) *If the child is not in school or has more than one teacher, the local education agency shall designate which teachers will participate in the meeting.*

(3) one or both of the child's parents and, when appropriate, the child; and
(4) other individuals who, in the opinion of the parents or the local education agency, are necessary to complete the IEP.

Parents shall be notified of the individualized education program meeting early enough to ensure that they will have the opportunity to participate in developing the IEP. The notice shall indicate the date, time, location and purpose of the meeting and who will be in attendance. A reasonable attempt shall be made to schedule the meeting at a mutually agreed on time and place. Provision for interpreters or other facilitators shall be made for parents who are deaf or whose principal language is other than English (K.A.R. 91-12-41(c)).

If neither parent can attend, individual or conference telephone calls may be used to obtain parental participation. *If any local education agency is unable to obtain parental participation, the individualized education program meeting shall be conducted without this participation. In such cases, the local education agency shall document the attempts made to arrange the meeting. The documentation shall include records of telephone calls made or attempted, copies of correspondence, and records of home visits* (K.A.R. 91-12-41(d)).

Parents shall be provided a copy of the individualized education program (K.A.R. 91-12-41(e)).

The IEP may be written in the staffing conference which culminates the comprehensive evaluation provided that —

1. Parents have been properly notified of this intent and given opportunity to participate, and
2. The legally required participants, as specified above, are in attendance.

Content of the Individualized Education Program

The individualized education program formalizes the process of designing instructional experiences for a child based on that child's specific needs as identified through a comprehensive evaluation. The IEP is a management document, a written statement of decisions about the objectives, content, implementation, and evaluation of special education services for an exceptional child. The intent of the law describing the content of the written IEP (Section 602 of P.L. 94-142) is to assure appropriate and individualized programming rather than to produce a legally correct piece of paper. Therefore, both the required components and the recommended procedures for developing each component are given.

CONTENT	*PROCESS*
Each individualized education program shall include the following (K.A.R. 91-12-41(f)):	
(1) A statement of the child's present level of educational performance. The statement shall include, as appropriate, academic achievement, social adaptation, prevocational skills, sensory and motor skills, self-help skills, and speech and language skills;	1. For a child entering a special education program for the first time the statement of present level of educational performance should summarize the results of the comprehensive evaluation. When an IEP is being reviewed, the previous level of performance should be updated based upon current formal and informal

CONTENT	*PROCESS*
	evaluation of pupil progress. The statement should provide a profile of deficits and strengths from which instructional needs can be identified and prioritized. On the basis of the child's current level of performance, areas needing special assistance or intervention should be delineated. At this point the child's needs are not stated in terms of specific special education services, but rather in terms of priority instructional or curricular emphasis. The decision as to how, where, and by whom services will be delivered may not be made prior to the time an appropriate educational program is designed.
(2) a statement of annual goals which describe the educational performance anticipated within a year's time;	2. The IEP is not intended to provide daily lesson plans. Annual goals are written to give program direction to those persons who will be implementing the IEP. Each goal written should be directly related to some aspect of the child's current performance which, in the opinion of the conference participants, requires some type of special intervention. The entire curriculum need not be addressed. Annual goals should focus on a group or cluster of skills in one instructional area (such as vocational, social, motor, communication, academic). The number of goals written will depend upon the type and degree of the child's exceptionality. When prioritizing the annual goals, consideration should be given to the student's functioning within the least restrictive environment.
(3) a statement of short-term objectives which are measurable and intermediate steps between the present level of performance and the annual goals;	3. The purpose of the short-term objectives which must be written for each annual goal is to provide progress check points for the IEP implementer(s). The objectives should be sequential and measurable. They serve as a guide from which lesson plans may be developed.

CONTENT	PROCESS
(4) *objective criteria, evaluation procedures, and data collection schedules for determining, at least every 12 weeks, whether the short-term objectives are being achieved.*	4. The IEP document must show how and when pupil progress toward stated objectives will be measured. It is recommended that indices of progress (or lack thereof) also be recorded on the IEP. If goals and objectives have been set too high or too low, they should be revised. The school may not be held responsible if a child does not achieve the growth projected in the annual goals or short-term objectives.
(5) *a statement of the specific special education services and related services needed by the child, even if not all of these services currently are available in the local education agency preparing the IEP. Any unique instructional media not ordinarily available to all students, but needed by this particular child for learning, shall be listed;*	5. The decision as to the type and amount of special education services must be based on the needs of the child under consideration. The intent of the IEP process is to design a program for a child, not to fit a child into an existing program. Local education agencies are legally bound to designate all of the services needed for an appropriate educational program and to provide these services. If, at the time the IEP is written, the local education agency cannot provide a needed service, written justification as well as a time line for making the service available shall be included.
(6) *a description of the extent to which the child will participate in regular classroom instruction. If regular classroom placement is not appropriate, the extent of participation in other less restrictive environments shall be described;*	6. Parents must be fully informed of the nature of regular class participation, but it is recommended that the extent of participation in less restrictive environments be described in percentages, days per week, or hours per week. If the child will be in a regular physical education program, this should be noted.
(7) *the projected date for the initiation of the prescribed services and anticipated duration of the services; and*	7. Because the IEP must be reviewed/revised annually, the maximum anticipated duration of services is twelve months.
(8) *a listing of the names and positions of the individuals responsible for implementation of the IEP.*	

Time Lines

The individualized education program for an exceptional child who is receiving special education shall be reviewed/revised annually. The IEP conference may be held any time throughout the year, as long as a current IEP is in effect for the child at the beginning of each school year.

For any exceptional child who is not yet receiving special education, the individualized education program shall be developed no later than 30 days from the date when it is determined that the child requires special education. These children shall remain in their current placement until the individualized education program is completed and parental permission is obtained or due process proceedings, including appeals, are completed (K.A.R. 91-12-41(g)).

Responsibility in Contractual Arrangements

The local education agency in which a child resides is responsible for the development and implementation of that child's IEP. *If a local education agency, through a contractual agreement, refers or places any child in another accredited special education program, the local education agency shall conduct an individualized education program conference and shall arrange for a representative of the receiving agency to participate. If a representative of the receiving agency cannot attend the meeting, the sending agency shall ensure participation by the receiving agency through other methods, preferably individual or conference telephone calls.* After a child has been placed, meetings to review and revise the IEP may, at the discretion of the sending agency, be initiated and conducted by the receiving agency. *The sending agency, however, shall ensure its involvement, as well as that of the child's parents, in any decision about that child's individualized education program. Both the child's parents and the sending local education agency shall agree to any proposed changes before those changes are implemented* (K.A.R. 91-12-41(h)).

Parochial or Other Private School Enrollment

If any exceptional child is enrolled in a parochial or other private school and receives special education services from a public education agency, that public agency shall:

(1) *Initiate and conduct conferences to develop, review, or revise an individualized education program for the child; and*

(2) *ensure that a representative of the parochial or other private school attends each individualized education program conference. If the representative cannot attend, other methods to ensure participation shall be used, such as individual or conference telephone calls* (K.A.R. 91-12-41(i)).

Court Placements and Admissions to State Institutions

If any child is placed in a school district or state institution by court order, and the child is determined by the receiving agency to be exceptional, the receiving agency shall be responsible for developing and implementing an IEP for the child. If an exceptional child from a public school program is admitted to a state institution and the child has an IEP, the IEP shall be forwarded to the state institution for implementation and revision, as needed. Conversely, if it is determined by a state institution that an exceptional child shall be returned to the community, the receiving district shall be responsible for implementation and revision of the IEP of the child (K.A.R. 91-12-41(j)).

PLACEMENT AND REVIEW

Each exceptional child shall be educated in the least restrictive environment (K.A.R. 91-12-42(a)). This statement describes the right of exceptional children to be educated with their normal peers unless clear evidence is available that partial or full removal will provide an improved program for the child. In addition, no placement shall be considered permanent but shall be subject to ongoing review.

Placement in the above context, does not necessarily imply removal of the child from the regular school program, but may mean providing for his/her appropriate learning environment through a continuum of special services available in the regular school. (See LEAST RESTRICTIVE ENVIRONMENT section.)

When implementing the level of service recommended in any exceptional child's individualized education program, each local education shall follow these procedures:

(1) *Placement in any special education services shall be considered as a trial placement and shall be subject to review and additional team planning. Each child shall be returned progressively to as near a normal setting as possible* (K.A.R. 91-12-42(b)(1)).

(A) *At least every 12 weeks, a determination shall be made as to the need for change to more intensive or less intensive special education services, and to a less restrictive or more restrictive environment.* This monitoring can be efficiently accomplished in schools where regular building level staffings among supportive staff (school psychologists, school social workers, and consulting teachers) and the principal and referring regular classroom teachers are held.

(B) *If the building level concept for monitoring a child's progress is not being employed, it shall be the responsibility of the special education teacher serving the child to inform the administrator of special education if a change in programming is indicated.* If desired, the special education administrator may designate the school psychologist who coordinated the comprehensive evaluation as the contact person for such reports.

(C) *A notation that the short-term review was made shall be recorded in each child's IEP.*

(2) *Parents shall be kept appraised of the progress of their child.*

(3) *A conference shall be held annually to review and revise, as needed, each child's individualized education program.*

(4) *A comprehensive evaluation of an exceptional child shall be made any time conditions warrant or if any child's parent or teacher requests an evaluation. A comprehensive evaluation shall be made of each exceptional child not less than every three years.*

(5) *An informal follow-up to determine the status of any child for whom special education services have been terminated shall be carried out annually for at least two years following termination of the services* (K.A.R. 91-12-42(b)).

The comprehensive re-evaluation completed every third year shall address each area of the child's development as required for the initial comprehensive evaluation and shall be multidisciplinary and multisourced. This requirement does not indicate that the same tests must be used. Screening procedures or group tests cannot be used in place of an individualized assessment. Teacher and parent reports of progress and level of functioning may be included as part of the re-evaluation. A thorough review should be conducted annually for children placed in personal and social adjustment programs.

PROCEDURAL DUE PROCESS

DEFINITIONS

Special Education Action

'Special education action' means any act on the part of a local education agency by which a child is:

(1) Excluded, reassigned, or transferred from regular school classes upon the basis that the child is an exceptional child and cannot benefit from these classes;

(2) placed in, transferred to or from, or denied placement in special education services. Special education action includes:

(A) Any initiation or refusal to initiate a comprehensive evaluation to determine eligibility for special education services; and

(B) any change in programming which alters the type or intensity of special education services offered an exceptional child (K.A.R. 91-12-22(qq)).

Consent

'Consent' means that parental approval for a special education action has been given after the parent has been fully informed of all information relevant to the activity for which consent is sought, including a description of that activity. Signed parental consent shall be valid only for the activity described. K.S.A. 72-972 states that the parent of the involved child may revoke his or her consent to the proposed action at any time and may, but is not required to, request the hearing provided for in this section of the law.

Parent

'Parent,' as used in these regulations (and this Plan), *means lawful custodian as defined in K.S.A. 72-962(1)* (K.A.R. 91-12-22(z)).

Lawful Custodian

The term *'lawful custodian'* in K.S.A. 72-972 means a parent, step-parent, other person related to the child, foster parent, guardian, or other person having legal custody of a child or being liable by law to maintain care for or support the child. The Secretary of the Department of Social and Rehabilitation Services is lawful custodian for those children in his legal guardianship, except in matters of procedural due process as set forth in K.S.A. 72-972 to 72-975 inclusive. For due process proceedings conducted under the requirements of these statutes, the Secretary shall appoint a person to act as education advocate. This person shall not be an employee of the Secretary or of any agency which is involved in the education of the child.

Public Expense

'Public expense' means paid or otherwise provided by a local education agency with no cost to the parent (K.A.R. 91-12-22(dd)). The local education agency either pays for the full cost of services or ensures that the services are provided.

Independent Educational Evaluation

'Independent educational evaluation' means an evaluation conducted by a qualified examiner or examiners who are not employed by the local education agency responsible for the education of the child (K.A.R. 91-12-22(p)).

CHILDREN'S RIGHTS POLICY

If special education action is proposed in regard to any person who is 18 years of age or older and the person has not been legally adjudicated to be an incapacitated person, due process shall be granted only to the person (K.A.R. 91-12-44(d)).

INTRODUCTORY STATEMENT

The rights of a child in regard to special education actions are guaranteed in Kansas laws, rules, and regulations. Parents and/or the child must be given a complete and clear explanation of any school action which proposes to initiate, refuse, or change special education services. They also have the opportunity to participate in decisions made during evaluation and placement procedures toward the end of reaching consensus as to the appropriate educational program for the child. Procedural due process begins when a parent, child, or local education agency requests the initiation of a comprehensive evaluation to determine the child's eligibility for special education services. Ideally, the school and the home will work closely together; and both will be in agreement about the course of action most beneficial for the child. If there are differences between the school and the home, every attempt should be made by both parties to resolve these differences through conferences, negotiations, or mediation. Only if the differences are irreconcilable should the legal remedy of due process hearing and appeal procedures be invoked.

LOCAL EDUCATION AGENCY DUE PROCESS POLICIES

The board of education of each school district shall:

(1) *Draft and adopt special education due process procedures which are in compliance with requirements of K.S.A. 72-972 to K.S.A. 72-975, inclusive, and any amendments to these statutes; and*

(2) *be responsible for all due process proceedings* (K.A.R. 91-12-44(a)).

A copy of the due process procedures must be on file with the Kansas State Department of Education as a part of the local comprehensive plan for special education.

Member districts of a special education cooperative or interlocal agreements may draft jointly a set of due process policies, subject to adoption by the board of education of each member district. Member districts in a special education cooperative are individually responsible for implementing due process procedures, including conducting any hearing requested by a resident parent/child. Interlocal units duly authorized under K.S.A. 72-8230 have the same rights and responsibilities as a local school district in implementing due process procedures and may conduct hearings for member districts.

The state board of education shall be responsible for due process proceedings of the Kansas state school for the visually handicapped and the Kansas state school for the deaf, and the secretary of social and rehabilitation services shall be responsible for special education due process proceedings of other state institutions (K.A.R. 91-12-44(b)).

DESIGNATION OF LAWFUL CUSTODIAN

Intent

It is the intent of State and Federal law that each child have an advocate to represent his/her interests in all special education actions. In most cases this educational advocate will be the child's parent(s) or guardian(s). For any child whose parents or guardians are unknown or unavailable, for example, children who are wards of the court, as defined in K.S.A. 38-1502, a lawful custodian must be appointed to represent the child. The person determined to be the child's lawful custodian has all of the rights guaranteed to children and parents under K.S.A. 72-972 to 72-975 inclusive.

Local Education Agency Responsibility

Before taking any special education action in regard to any child, each local education agency shall:

- *(1) Attempt to determine who is the lawful custodian of the child;*
- *(2) if the lawful custodian of the child cannot be determined or cannot be found, cause proper proceedings to be instituted, pursuant to the Kansas code for care of children, to determine whether the child is in need of care;*
- *(3) if the legal guardian of the child is the secretary of social and rehabilitation services, notify the appropriate area office of the department of social and rehabilitation services and request the appointment of a lawful custodian* (educational advocate) *for the child pursuant to K.S.A. 72-962, and any amendment to this statute; and*
- *(4) mail or personally deliver to the lawful custodian* (educational advocate) *the written notice required by K.S.A. 72-972, and any amendments to this statute* (K.A.R. 91-12-44(c)).

NOTIFICATION OF PROPOSED SPECIAL EDUCATION ACTION

Written Prior Notice

Prior to taking any special education action, the local education agency is required to notify each child, or his or her parents. The notification must be given in writing by restricted mail or personal delivery. The notice must be written in language understandable to the general public and provided in the primary language of the home. If the native language or other mode of communication of the home is not a written language, the notice shall be orally translated into the primary language or other mode of communication of the home. Steps shall be taken to ensure that the parent/child understands the content of the notice. For example, parents may be asked to sign a written statement of understanding of rights.

No special education action may be taken until the local education agency has mailed or personally delivered written notice:

- *(1) Describing the proposed action and stating the reasons why such action is deemed appropriate for the child. Evaluation procedures, tests, records, or reports upon which the action is based shall be included. This description shall include options considered by the local education agency and reasons for rejecting those options which are not proposed for the child;*
- *(2) advising the parent of the right to consent or object to the evaluation, in writing, upon forms provided by the local education agency;*
- *(3) advising the parent of the rights regarding procedural due process, including the right to a hearing;*
- *(4) informing the parent that, if written consent is not given, the local education agency, on its own initiative, may request a due process hearing;*
- *(5) informing the parent of any free or low cost legal services or other relevant services in the area;*
- *(6) advising the parent of the right to have access to school reports, files, and records related to the proposed action; and*

(7) *advising the parent that the child will remain in the present education placement until a decision is made following a due process hearing or until the proposed special education action is consented to, in writing, by the parent* (K.A.R. 91-12-46(a)). If the action involves admission of a child to public school, parents must be advised that the child, with the consent of his/her parent, will be placed in a public school program pending completion of all proceedings.

Parents also must be informed that, if they desire further information related to special education rights and procedures, the State maintains a toll-free number (1-800-332-6262) which they may call. This program known as "Stand Together," provides assistance and resource materials to any persons or agencies and is especially helpful if there is a need for conflict resolution prior to more formal due process hearing procedures.

PARENTAL CONSENT FOR PROPOSED SPECIAL EDUCATION ACTION

Preplacement Comprehensive Evaluation

Prior to the initial placement of an exceptional child in a special education program, a comprehensive evaluation shall be conducted in accordance with the requirements of K.A.R. 91-12-40. When a child is referred for a comprehensive evaluation, the parents shall be notified as specified above and given the opportunity for a personal conference concerning the reason for referral prior to the implementation of the evaluation. In addition to the requirements listed above, the prior notice shall *include a clear description of proposed evaluation procedures, including the kinds of tests used, and approximate duration of the evaluation procedure* (K.A.R. 91-12-45(a)(1)); *indicate the opportunity to obtain an independent evaluation of the child* (K.A.R. 91-12-45(a)(6)).

If the parent of the child gives written consent for the evaluation, it may be initiated immediately. If written consent is not given, action shall not be taken within a period of 30 days. This period shall be for the purpose of affording the parent an opportunity to indicate the parent's objections to the evaluation. If, after the 30 day waiting period, the parent has not given consent to the evaluation, the local education agency shall attempt to meet with the parent and explain the need for the evaluation and answer questions of the parent. If the parent still refuses to consent to the proposed evaluation, the local education agency shall either accept the decision, or apply to a court of competent jurisdiction for an order directing the evaluation, or pursue a local education agency initiated hearing in regard to the matter. Records of contacts and consultations with the parent shall be maintained by the local education agency (K.A.R. 91-12-45(b)).

Comprehensive Re-evaluation

When an exceptional child has been placed initially in accordance with the requirements of this Plan, parental consent for re-evaluation is not required providing that —

(A) *The child has been placed initially in accordance with the requirements of K.A.R. 91-12-44 through 91-12-48;*

(B) *the program is current and has been reviewed or revised annually; and*

(C) *the child's parents have been given prior written notice of the proposed re-evaluation* (K.A.R. 91-12-45(b)(1)).

Placement

Prior to the initiation or change of special education programming for a child, the child in question and/or his/her parents shall be given written prior notice as has been specified.

If the parent of the child gives written consent for the proposed action, it may be initiated immediately. If written consent is not given, action shall not be taken within a period of 30 *days. This period shall be for the purpose of affording the parent an opportunity to indicate the parent's objections to the proposed action. If, after the 30 day waiting period, the parent has not given written consent to the proposed action, the local education agency shall attempt to meet with the parent and explain the need for the proposed action and answer questions of the parent. If the parent still refuses to consent to the proposed action, the local education agency shall either accept the decision or initiate a due process hearing in regard to the matter. Records of contacts and consultations with the parent shall be maintained by the local education agency* (K.A.R. 91-12-46(b)).

PARENTAL RIGHT TO OBTAIN AN INDEPENDENT EVALUATION

Section 300.503, 34 CFR requires that parents be advised of their right to an independent educational evaluation. This requirement also is set forth in K.A.R. 91-12-45(c) as follows:

Each local education agency shall provide to parents, on request and when a notification of proposed action is given, information about where an independent evaluation may be obtained.

(1) Right to evaluation at public expense.

(A) An independent educational evaluation shall be provided at public expense if the parent disagrees with the evaluation by the local education agency, unless the local education agency initiates a due process hearing to show that its evaluation is appropriate. If the final decision is that the school's evaluation is appropriate, the parent still has a right to an independent evaluation, but its expense shall not be required to be borne by the school. The results of the independent evaluation, however, shall be considered by the local education agency or any hearing officer, or both, in decisions made with respect to the provision of a free appropriate public education for that child.

(B) Whenever an independent evaluation is provided at public expense, the criteria under which the evaluation is obtained must be the same as the criteria which the local education agency uses when it initiates an evaluation. The credentials of the independent evaluator or evaluators shall be at least comparable to the credentials of the local education agency's evaluators. The local education agency shall not be responsible for the costs of unreasonably expensive independent evaluations when comparable evaluations can be obtained at a lesser cost.

(2) If any hearing officer requests an independent educational evaluation as a part of a hearing, the cost of the evaluation shall be at public expense.

If the parent obtains an independent evaluation at private expense, the results of the evaluation —

a. Must be considered by the local education agency in any decision made with respect to the provision of a free appropriate public education to the child, and

b. May be presented at any special education due process hearing or review.

INDIVIDUALIZED EDUCATION PROGRAM

Special education programming shall not be initiated for a child prior to the development of an individualized education program. The individualized education program for each child receiving special education services shall be reviewed/revised annually.

The individualized education program is a written statement of the special education and ancillary services needed by a child based on his/her current level of functioning. It assigns responsibility for the delivery of these services, sets forth the anticipated changes in the child's behavior, and describes how these changes will be measured. Parents and, when feasible, the child must be given opportunity for active participation in the development, review, and revision of the IEP in a conference with appropriate school personnel. Specific requirements governing the IEP process are set forth in the SCREENING, EVALUATION, PLACEMENT, AND REVIEW section.

The IEP conference is an extension of the special education procedural safeguards guaranteed by State and Federal law. The purpose of the meeting is to ensure active and open parental involvement in formulating personalized educational goals for a child and designating the specific special education and related services needed to help that child achieve those goals. Local education agencies should view the IEP process as an opportunity to achieve consensus between home and school, which will prevent conflict resulting in a due process hearing.

Regarding parental participation in IEP meetings the local education agency shall take steps to ensure that one or both of the parents of the handicapped child are present at each meeting or are afforded the opportunity to participate, including —

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend.
2. Scheduling the meeting at a mutually agreed on time and place.
3. Indicating in the notice the purpose, time, and location of the meeting and who will be in attendance.
4. If neither parent can attend, using other methods to ensure parent participation, including individual or conference telephone calls.
5. If a meeting is conducted without parent attendance, recording attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parents and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits.
6. Acting as is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents/children who are deaf or whose native language is other than English.
7. Providing the parents with a copy of the IEP.

Parental signature on a child's individualized education program is not required as a matter of procedural due process. When the local education agency, after reasonable attempts, is unable to obtain parental participation, the IEP must be developed by school personnel. It is recommended that parents sign the IEP document to which they agree. Such signature shall not constitute permission for the proposed special education action, nor shall failure to sign constitute a parental objection to the proposed special education action.

ALTERNATIVES TO DUE PROCESS HEARINGS

The intent of State and Federal special education due process requirements is to protect children from thoughtless or capricious actions by schools or by parents. Usually parents and school personnel assume their proper responsibilities in regard to the education of children and have little or no difficulty in reaching mutual agreement about the initiation, continuation, or termination of special education services.

The statutory provisions of prior notice to parents, multidisciplinary evaluation and staffing, the IEP conference, and informed parental consent should be regarded as measures which enhance communication between the home and school and prevent misunderstandings or conflicts. All of the parent-school contacts required prior to a special education placement can be used by the school to discover parental concerns and to deal humanistically with these concerns. The school can explain clearly and honestly the child's learning problems, the proposed special education interventions, and the anticipated benefits for the child. Both parties should be open to exploration of alternatives which will benefit the child.

Informal Prehearing Procedures

The following procedures are recommended as additional steps which may be taken by the school to prevent conflict situations requiring resolution through a due process hearing.

1. Inservice for administrators, teachers, and support staff on communication skills and conferring with parents of exceptional children.
2. Public dissemination of information on local special education services and parent/child rights.
3. Informal mediation or conflict resolution procedures to precede any scheduled due process hearing or formal prehearing activity.
4. Meetings or workshops for parents and other persons in the community.

LOCAL EDUCATION AGENCY DUE PROCESS HEARING

If there are irreconcilable differences between parents and the local education agency as to the appropriateness of a proposed special education action, both parties are afforded an opportunity for resolution through an impartial due process hearing. *The request for a due process hearing shall be made, in writing, to the local board of education, the state board or the secretary of social and rehabilitation services, as appropriate. If a request for a due process hearing is received, the provisions of K.S.A. 72-973 and K.S.A. 1982 Supp. 72-975 shall become operative and shall be followed* (K.A.R. 91-12-47(a)).

Parent Initiated Hearing

Parents may request a hearing which must be held within thirty days from the date on which the request is received by the local education agency. The request for a hearing should be made in writing to the board of the local education agency. Upon receipt of such a request, the board shall appoint an impartial hearing officer(s).

Local Education Agency Initiated Hearing

If the local education agency requests a hearing, the hearing shall take place within thirty days from the date on which written notice of the hearing has been received by the parents. Said notification shall not be sent to the parent prior to (1) the local education agency's receipt from the parent of written objection to the special education action in question, or (2) the elapse of the thirty day response period which is granted to the parent in regard to the proposed special education action in question in the instance where the parent fails to consent or object to said special education action.

Impartial Hearing Officer

K.S.A. 72-973 provides that the due process hearing conducted by the local education agency shall be conducted by a hearing officer or officers appointed by the board. The hearing officer shall not be a member of the board and shall not be any person who —

1. Is responsible for recommending the proposed action upon which the hearing is based,
2. Has a personal or professional interest which would conflict with his or her objectivity in the hearing, or
3. Is an employee of the State Board of Education or of any board involved in the education of the child.

Each local education agency shall maintain a list of hearing officers. Such list shall include a statement of the qualifications of each hearing officer.

Each hearing officer shall be qualified in accordance with standards and requirements established by the State Board and shall have satisfactorily completed a training program conducted or approved by the State Board (K.S.A. 72-973). Standards and requirements are being developed by a committee appointed by the State Board and will be disseminated when completed.

Responsibilities of the Hearing Officer Prior to the Hearing

K.A.R. 91-12-47(b) states — *The hearing officer shall be responsible for assuring that due process is afforded both parties to the hearing. The hearing officer shall:*

(1) Verify, through personal or telephone contact, that the parent understands the parent has the right to have an independent evaluation of the child performed, and has the right to have access to school reports, files, and records relating to any proposed special education action;

(2) verify, through personal or telephone contact, that both the parent of the child and school officials understand the rights of parties in a due process hearing as specified in K.S.A. 72-973;

These rights, as specified in K.S.A. 72-973 are --

a. *The right of the parties to have counsel of their own choice present and to receive the advice of such counsel or other person whom they may select;*
b. *The right of the lawful custodian of the child to be present at the hearing;*
c. *The right of the child and his or her counsel or advisor to hear or read a full report of the testimony of witnesses responsible for recommending the proposed action and of any other material witnesses;*
d. *The right of the parties and their counsel or advisor to confront and cross-examine witnesses who appear in person at the hearing, either voluntarily or as a result of the issuance of a subpoena;*
e. *The right of the parties to present witnesses in person or their testimony by affidavit, including expert medical, psychological, or educational testimony;*
f. *The right of the child to testify in his or her own behalf and give reasons in opposition to the proposed action;*
g. *The right of the parties to prohibit the presentation of any evidence at the hearing which has not been disclosed to the opposite party at least five (5) days prior to the hearing;*
h. *The right of the parties to have an orderly hearing;*
i. *The right of the child to a fair and impartial decision based on substantial evidence; and*
j. *The right of the parties to have a record of the hearing made by mechanical or electronic recording or by an official court reporter.*

(3) make arrangements for an interpreter, if necessary. At all stages of the due process procedures, interpreters for deaf and non-English speaking parents or children shall be provided at public expense;

(4) at least 10 days prior to the hearing, notify each party, in writing, of the provisions of K.S.A. 72-973(a)(7);

(5) *at least five days prior to the hearing, notify the parents, in writing, of the time and place of the hearing. K.S.A. 72-973 requires that the hearing be conducted at a time and place reasonably convenient to the parent;*

(6) *if necessary, request the clerk of the district court to issue subpoenas for the attendance of witnesses or the production of relevant records, or both;*

(7) *ascertain whether the exceptional child will attend or participate in the hearing. If any special education action is proposed for a person 18 years of age or older, and the person has not been adjudicated to be an incapacitated person, that person shall have right to attend the hearing. If any special education action is proposed for a child, the parent of the child shall have the right to determine whether the child shall attend or participate in the hearing. The decision of the parent of the child shall be made a part of the record of the hearing;*

(8) *ascertain whether the hearing is to be open or closed as prescribed in K.S.A. 72-973(a). This determination shall be made a part of the record of the hearing...*

Predisclosure Requirement

At least five days prior to the hearing each party will be furnished with a hearing agenda which includes a written summary of the evidence and a comprehensive list of the representatives/witnesses. It is recommended that this responsibility be discharged at a pre-hearing conference with the parties in order that the real issues of the hearing may be clarified. If the conflict between home and school is a problem in communication, this meeting may provide a vehicle for resolution.

Due Process Hearing

The hearing officer shall preside at the hearing and conduct the proceedings in a fair and impartial manner to the end that all the parties involved in the hearing have an opportunity to present their evidence and testimony in accordance with the requirements of K.S.A. 72-973 (K.A.R. 91-12-47(b)(9)).

The burden of proof as to the appropriateness of any proposed placement shall be upon the local education agency. *A record of the hearing shall be made by mechanical or electronic recording or by an official court reporter* (K.A.R. 91-12-47(c)).

Decision of the Local Hearing

As required by K.S.A. 72-973(c):

Whenever a hearing officer conducts any hearing, such hearing officer shall render a decision on the matter not more than ten days after the conclusion of the hearing and shall prepare a written report thereon by the agency providing for the hearing.

K.A.R. 91-12-47(d)(2) further provides that the decision be sent by restricted mail to each of the parties or to their respective representatives, within 24 hours after the decision is rendered.

After deletion of any personally identifiable information, a copy of the decision must be sent to the state advisory council for special education.

The written decision shall include findings of fact, conclusions of law, and reasons for these findings and conclusions. A summary of the proceedings at the hearings shall be made and include any materials or statements specifically requested by any of the parties to appear in the record. This summary shall be made available to the parties of the hearing. The decision of the hearing officer(s) shall be final, subject to appeal by either party in the manner provided for in K.S.A. 72-974.

APPEAL TO STATE BOARD

Review by State Reviewing Officer

An appeal for review of the decision of the local education agency hearing officer to the State Board of Education may be initiated by the child, his/her parents, or the local board of education. The appeal shall be made by filing a written notice of appeal with the State Commissioner of Education not later than ten days after receiving the written decision of the local due process hearing. The local education agency shall immediately submit the following to the State Board of Education —

1. A complete and certified transcript or record of the local hearing.
2. All affidavits, documents, and other evidence produced at the hearing.

Not later than twenty days after the notice of appeal is filed, a reviewing officer(s) appointed by the State Board of Education shall complete the following —

1. Examine the transcript of the hearing, including all affidavits, documents, and other evidence.
2. Determine whether the procedures at the hearing were in accordance with the requirements of due process.
3. Seek additional evidence, if necessary. If a hearing is held to receive additional evidence, the hearing shall be conducted in accordance with the requirements of K.S.A. 72-973.
4. Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing officer. If applicable, the parties shall be notified of their opportunity to present oral or written argument not later than ten days prior to the date on which such argument will be heard. All notices shall be sent by restricted mail.

Decision of the State Reviewing Officer

The reviewing officer shall render a decision not later than five days after the completion of the review. The reviewing officer shall decide the matter by affirming, reversing, or modifying the decision from which the appeal was taken and shall prepare a written report thereon to the State Board. The decision shall —

1. Include reasons for the findings.
2. Be based solely on evidence and oral argument presented during the review.
3. Be accompanied by a statement that the decision may be appealed to the district court as provided by K.S.A. 60-2101.

The decision of the State reviewing officer shall be sent to the parties by restricted mail.

GENERAL REGULATIONS OF HEARINGS AND APPEALS

Every hearing and review under Article 9 of Chapter 72 of Kansas Statutes Annotated shall be provided at no cost to the child or to the parents of the child. The costs of any hearing by a local board of education under K.S.A. 72-972 shall be paid by the school district in which the child resides.

Any person conducting a hearing or review may administer oaths for the purpose of taking testimony under the authority of K.S.A. 72-975.

Unless appealed, the decision resulting from any hearing or review is binding upon the local board of education, its officers, employees, and agents. Unless appealed, the decision resulting from any hearing or review is also binding upon the parents or guardians or upon the child if over the age of majority, except in the case of children identified as gifted.

K.S.A. 72-977 reads as follows:

> *When a school district or a State institution provides special education services for exceptional children as required by this act, and a determination has been made as provided in K.S.A. 72-972 to K.S.A. 72-975, inclusive and amendments thereto, that a child is an exceptional child and special education services are necessary for such child, it shall be the duty of the lawful custodian of such exceptional child to require such child to enroll for and attend the special education services which are indicated by such determination. This requirement does not apply to gifted children or to parents of gifted children.*

Any person conducting a hearing or review, at the request of either party, may grant specific extensions of time beyond the limitations specified in K.S.A. 1980 Supp. 72-973 and 72-974.

Any hearing officer, reviewing officer, or party to the hearing or review may request the clerk of the district court to issue subpoenas for the attendance and testimony of witnesses and the production of all relevant records, tests, reports, and evaluations under the authority of K.S.A. 72-975.

A person shall not be considered an employee of a local board of education solely because he/she is paid by the board to serve as a hearing officer. Any such appointment shall apply to a particular hearing or to a class of hearings as specified by the board in making the appointment.

EXCEPTIONAL CHILDREN IN STATE INSTITUTIONS

Each local board is responsible for the education of all exceptional children (as specified in K.S.A. 72-933 and 72-966) unless and until it has been determined that —

1. The education of an exceptional child cannot be achieved satisfactorily in any public school program,
2. The child meets criteria for admission to a State institution, and
3. The child is admitted to a State institution.

The admission or refusal of admission to a state institution for treatment and rehabilitation in and of itself is not a special education action. If any child is admitted to a state institution, the child shall be placed in an age appropriate education program until a comprehensive evaluation is completed. If any child is determined to be eligible for special education, an individualized education program conference shall be held no more than 30 days from the date of admission. Because a comprehensive evaluation is part of the admission process, parental consent for preplacement evaluation shall not be required. All other procedural safeguards of due process and confidentiality and evaluation procedures are extended to all school age exceptional children housed and maintained in state institutions (K.A.R. 91-12-48, also refer to K.S.A. 72-970).

PLACEMENT OF CHILDREN BY PARENTS OR GUARDIANS

If any exceptional child is offered free and appropriate special education services by the local education agency responsible for providing these services to the child, but the child's parent places the child in a private school, the parent shall assume full financial responsibility for the child's education. If a parent contends that the parent has been forced to seek and bear the cost of private schooling for any exceptional child because the responsible local education agency does not offer an appropriate special education service, *and the local education agency disagrees with this contention, due process procedures may be implemented to resolve the disagreement and the question of fiscal responsibility* (K.A.R. 91-12-49).

CONFIDENTIALITY

INTRODUCTORY STATEMENT

Following the precedent of national legislation, such as the Buckley Amendments, the Vocational Rehabilitation Act of 1973 (Section 504), and portions of P.L. 94-142, Kansas legislation requires that the State Board of Education and the board of every school district *shall adopt a policy in accordance with applicable federal laws and regulations to protect the right of privacy of any student or pupil and his or her family regarding personally identifiable records, files, and data directly related to such student or pupil* (K.S A. 72-6214).

The following policies have been adopted by the Kansas State Board of Education to assure the protection of the confidentiality of any personally identifiable data collected or maintained pursuant to the identification and evaluation of children for purposes of placement in special education.

NOTIFICATION POLICY

The State Board of Education and each local education agency shall be responsible for informing the public of policies and procedures established to assure the confidentiality of personally identifiable data, information, and records collected or maintained by the agency pursuant to the location, identification, evaluation, and educational placement of exceptional children. The notice shall be given in the native languages of the various population groups of the state.

PARENT/CHILD RIGHTS POLICY

The following rights must be assured in the confidentiality policies and procedures of all State agencies participating in the identification, location, and evaluation of children for purposes of placement in special education and related services. The Kansas State Department of Education shall also observe these requirements in protecting the confidentiality of any personally identifiable information which it collects and/or maintains on exceptional children.

1. Access Rights of Parents
    a. Parents or their duly authorized representative shall be permitted to inspect and review any personally identifiable data relating to their child without unnecessary delay (no more than forty-five days after the request has been made) and prior to any hearing relating to the identification, evaluation, or placement of the child. *(Note:* The agency may presume that the parent has authority to exercise this right unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.)
    b. If any record includes data on more than one child, parents shall inspect and review only data relating to their child. If this is not feasible, parents must be informed of the data specific to their child.
    c. Parents shall be provided a response to reasonable requests for explanation or interpretation of the data by a qualified professional.

d. Records which name all persons obtaining access to a child's records (excluding parents and authorized employees of the agency), the date access was given, and the purpose for which the person was given access to the records shall be maintained.

e. A listing shall be kept of the types and locations of data collected and maintained by the agency. This listing shall be made available to parents upon request.

f. No charge shall be made to parents to search for or to retrieve data. The agency may charge a fee for copies of records which are made if the fee does not effectively prevent parents from exercising their right to inspect and review those records.

2. Rights to Hearing to Amend Records

a. Parents may request appropriate amendments to records which they believe to be inaccurate, misleading, or in violation of the privacy or other rights of the child.

b. Within a reasonable period of time, either (1) the records shall be amended as requested, or (2) the parents shall be notified of the agency's decision to refuse the request and advised of their right to a hearing in order to challenge the data.

c. Upon parental request, a hearing shall be conducted to determine whether or not the challenged data are inaccurate, misleading, or in violation of the legal rights of the child.

d. If a hearing is requested, it shall be held within a reasonable period of time after the request; and the parents shall be given advance notice of the time, date, and place of the hearing.

e. The hearing shall be impartial, that is, conducted by a party who does not have a direct interest in its outcome.

f. Parents may present evidence relevant to the issues and may be assisted or represented by individuals of their choice (including an attorney) at their own expense.

g. Parents shall be notified in writing, within a reasonable period of time, of the agency's decision. This decision shall be based solely upon the evidence of the hearing and shall include a summary of the evidence and the reasons for the decision.

h. If, as a result of the hearing, the agency decides that the record should be amended as requested, it shall so amend the record. If the agency decides not to amend the record, it shall inform the parents of their right to enter into the records a statement about the challenged data which gives their reasons for disagreeing with the decision of the agency. This statement shall be maintained in, and treated as part of, the child's records as long as the records or the contested portion thereof is maintained by the agency.

i. If parents are in disagreement with the results of the hearing, they may appeal to the Kansas State Department of Education which shall review the pertinent facts and attempt to resolve the disagreement through communications with the parents and the agency.

3. Parental Consent Policy

If parental consent is denied in any of the following cases, the agency involved shall attempt to seek resolution through individual conference(s). If the parents still refuse to allow the proposed action, the agency shall either accept the decision or apply to a court of competent jurisdiction for an order directing the parents to comply. To this end, records of contacts and consultations with parents shall be maintained.

- a. Parental consent shall be obtained before personally identifiable data are —
  - (1.) disclosed to anyone other than officials of the agency collecting or using the data. (Section 438 of the General Education Provisions Act shall apply to educational agencies.)
  - (2.) used for any purpose other than identification and evaluation for purposes of determining a need for special education and related services.
  - (3.) used for purposes other than those previously specified to the parent.
- b. Parental consent shall be sought before a child is given a comprehensive evaluation as specified in this Plan.

SAFEGUARDS

The local education agency shall give assurance that —

1. The confidentiality of data shall be protected at collection, storage, disclosure, and destruction stages.
2. One official shall be designated by the agency to be responsible for assuring the confidentiality of any personally identifiable data.
3. Provision shall be made for instruction regarding the Federal laws and regulations, as amended, and State policies and procedures as set forth in this document for all personnel collecting or using personally identifiable data.
4. A current listing of the names of agency personnel who may have access to personally identifiable data shall be maintained for public inspection.

DESTRUCTION OF DATA

Destruction means physical destruction or the removal of personal identifiers so that data is no longer personally identifiable.

1. Parents shall be informed when personally identifiable information is no longer needed to provide educational services to the child and be notified of their right to request that the information be destroyed. If the parents request that the information be destroyed, the agency shall comply. However, a permanent record of the student's name, address, and telephone number and of his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
2. When informing parents about their rights in regard to the destruction of personally identifiable information, the agency should remind them that the records may be needed by the child for social security benefits or other purposes.

CHILDREN'S RIGHTS POLICY

When a child has reached the age of majority, eighteen years, the permission or consent required of and the rights accorded to parents of the child shall be required of and accorded to only the child provided the child has not been legally adjudicated to be an incapacitated person.

PROGRAM AREAS

EARLY CHILDHOOD HANDICAPPED

DEFINITION

Education:	*'Early childhood education for handicapped' means an organized program of purposeful, sequential activities, which are appropriate to the developmental age of the handicapped, preschool age child* (K.A.R. 91-12-22(i)).The child must be actively involved in the activities associated with the objective in the IEP under the supervision of qualified staff. The role of the parent shall be included in the IEP objectives.
School Term	*'School term,' for preschool handicapped children, means 540 hours for a center based program or 215 hours for a home-based program, except as prescribed in this subsection. Any proportional combination of the two programs may be used. A lesser number of hours may be prescribed on an individual basis for those children whose physical or emotional needs, or both, are such that a lesser number of hours is advisable. Any number of hours less than those prescribed in this subsection shall be determined by the individualized education program conference team of the child and shall be included and certified in this individualized education program of the child* (K.A.R. 91-12-22(mm)(2)).
Severely Handicapped:	Severely handicapped children are those who have one or more handicapping conditions which chronically impede and, by their complex nature, produce serious learning, developmental, and/or behavior problems. Such conditions are characterized by extreme deviation from age appropriate developmental behavior(s) in any of the following areas: motor functioning, self-help skills, cognition, communication, and interaction with the social and/or physical environment.
Mildly/Moderately Handicapped:	Mildly/moderately handicapped children are those who have one or more handicapping conditions which to a significant extent impede age appropriate behavior in any of the following areas: motor functioning, self-help skills, cognition, communication, and interaction with the social and/or physical environment. Special assistance is required to minimize or to compensate for identified limitations.
Developmentally Delayed or "At Risk" Children:	*'Developmentally delayed' means children, from age birth to three years having characteristics associated with one or more handicapping conditions who, because of their young age,*

cannot be accurately diagnosed as having a specific handicapping condition (K.A.R. 91-12-22(h)). A variety of handicapping conditions are frequently associated with infants born prematurely or having severe respiratory distress, hypoglycemia, or other complicating factors. These handicapping conditions may include central nervous system damage, sensory deficits (visual and auditory), and impaired performance in mental and language development. All of these handicaps have a correlation with lowered academic achievement. Early intervention to overcome or lessen the delay has been determined to be beneficial.

At times children may exhibit such developmental lags or delays which at an early age are difficult or impossible to identify as specific handicapping conditions. *Developmentally delayed children may be served in early childhood programs and be reported as handicapped children until age three. After age three, these children may be served, but shall not be reported as handicapped nor be counted for the generation of state or federal special education funding, unless and until a specific handicap is identified* (K.A.R. 91-12-51(e)).

Caregiver: Caregiver means any adult, relative or non-relative, who is responsible on a regular basis for a significant portion of the care of the child. Caregivers include the natural parents, foster parents, legal custodians, and others such as siblings, relatives, family child care providers, or teachers in day care, Head Start, and other preschools.

INTRODUCTORY STATEMENT

Early childhood education programs for the handicapped are designed especially for children from birth to school age (as defined in Kansas Administrative Regulation 91-12-22). Children are eligible who are identified as having one or more handicapping conditions which to a significant extent impede age appropriate behavior or who are identified, prior to age three, as handicapped, at risk, or developmentally delayed. Intervention by special teaching methods, techniques, or procedures are required to minimize or to compensate for identified learning limitations in sensory and motor functioning, self-help skills, cognition, communication, and interaction with the social and/or physical environment.

LEGAL AUTHORITY

Operation of and funding for early childhood programs is authorized by Kansas Administrative Regulation 91-12-22(cc) which specifically states that ... *services for preschool children are authorized but not mandated, and nothing in these rules and regulations shall be construed to prevent the use of local funds or state special education categorical funds for preschool programs.*

PROGRAM PURPOSE

The purpose of the early childhood handicapped education programs is to alleviate or prevent the adverse effects of handicapping conditions on the ability of young children to learn, to reduce the cumulative effects of failure to develop at age-typical rates, and to bring children with handicapping conditions to as near age-appropriate preacademic developmental levels as possible through education as defined above.

SCREENING AND IDENTIFICATION

In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall:

(1) *Afford parents of preschool age children the right to information or training which assists them in participating in the comprehensive evaluation process. Assistance shall be offered in observation techniques and the developmental stages of early childhood; and*

(2) *assure that all personnel who participate in the comprehensive evaluation of any preschool age child are competent in the evaluation of children ages birth to five* (K.A.R. 91-12-51(a)).

CURRICULUM AND INSTRUCTION

Any activity or skill which age peers typically acquire through maturation, exposure, imitation, or incidental, unstructured teaching and which is not acquired by a special needs child is an appropriate teaching objective.

Curriculum domains include —

Perceptual-Motor - Coordination of gross and fine motor skills, perceptual skills, and body awareness.

Cognition - Concept formation, discrimination, generalization, awareness of cause and effect, and expectation.

Communication - Prelinguistic signals, receptive and expressive language through sound production skills, and/or non-verbal communication.

Social-emotional - Bonding, independence, cooperation and compliance, peer interaction, and other social interaction skills.

Self-Help - Feeding, toileting, dressing, and other daily living activities.

The content of the curriculum is preacademic and prevocational. Skills of observation, attention to salient features, comparisons, exploration, and manipulation are necessary before concept formation can occur. Concepts of sequence, number, size, color, etc., must be learned prior to reading or arithmetic skills. Self awareness and self-help skills are taught in order to foster a positive self-concept, develop a learning set, and prepare for future acquisition of vocational skills. Instruction is intentional, sequenced, multi-sensory, and activity-based and is directly related to the goals and objectives for each child. Use of free play (recreation) offers an opportunity to practice well learned skills, thereby establishing skills through overlearning and opportunity to generalize concepts.

Whenever handicapped and non-handicapped children are in the same classroom, there shall be particular attention to fostering interaction between and among the handicapped and non-handicapped children.

The mediators of learning include all significant persons in the child's day to day experiences. Thus, parents, caregivers, siblings, professionals, and paraprofessionals may comprise the teaching team for a preschool child.

ADMINISTRATIVE STRUCTURES

The program model(s) selected by each district may vary. Particular conditions within each local education agency should determine the appropriate delivery model. These conditions might include the number of handicapped children to be served, the types of handicaps represented among the children, the severity of handicapping conditions, and the educational needs of the children. Non-categorical rather than categorical groupings are encouraged on the condition that appropriate program services are provided to all children for their specific handicapping conditions.

Local education agencies in Kansas may organize services for preschool handicapped children in the following ways:

1. Individual school districts may establish programs.
2. One or more school districts may establish a cooperative program.
3. School districts/cooperatives may contract with an approved special purpose school or program which has appropriate special education services for preschool level handicapped children.

Because of the nature of early development, full year programs are strongly encouraged. Summer programs in which services are extended beyond a full school year program may be reimbursed on a proportionate basis for the additional program.

Exceptions to requirements for a full time program may be made only by the IEP team for individual children whose physical, developmental, and/or emotional needs, travel distance, or family considerations indicate such an exception. Such exceptions shall be included and certified as a part of the child's IEP.

Three general service models will be approved: the center-based/group model, the home-based/individual model, and the combination model.

Center-Based/Group Model

Three types of center-based settings for early childhood programs may be considered as possible placement alternatives for a young handicapped child. These are (1) a special early childhood program, (2) an integrated early childhood program, and (3) regular early childhood program. Such programs shall consist of 540 hours for a full school year.

1. A special early childhood program is designed specifically to serve young handicapped children. The classroom enrollment is comprised entirely of children who may present a variety of handicapping conditions which vary from mild to severe. Such programs usually contain a concentration of children with moderate to severe disabilities.

   Special early childhood programs should be designed to provide more intensive specialized services to children who need varied and continued assistance in the form of specialized therapy, special equipment or materials, individual care and supervision, and individualized educational programming.

   The classroom may be multi-categorical or categorical.

   K.A.R. 91-12-51(b) requires that:

   (1) *Each teacher of a multi-categorical early childhood handicapped program shall be endorsed for early childhood handicapped as prescribed in K.A.R. 91-1-99.*

   (2) *Each teacher of a categorical early childhood handicapped program shall:*

   (A) *be endorsed for early childhood handicapped and be provided assistance from appropriately trained categorical teachers or related service personnel, as necessary; or*

   (B) *be endorsed for the category being served and have experience, practicum, or training with preschool age children.*

2. An integrated early childhood program serves both handicapped and non-handicapped children in a single classroom setting with handicapped children constituting a higher proportion of the classroom population than that found in a regular preschool setting. Handicapped children who are placed in integrated programs may present a variety of handicapping conditions ranging from mild to severe. In such programs, mildly/moderately handicapped children shall constitute not less than one-third nor more than two-thirds of the classroom enrollment. Where severely handicapped students are enrolled, the maximum number of such students shall be six.

   Programs are typically organized to provide a wide array of interdisciplinary and special education services to meet the needs of each individual child, including the non-handicapped children who are participants in the program. An integrated program should be organized to include group activities which capitalize upon the benefits of combining handicapped and non-handicapped children. It should also allow for individualized instructional opportunities for each child based on his/her IEP. Since integrated classrooms may include a highly diverse group of children, the program must be flexible.

   The teacher of the integrated classroom shall be endorsed for teaching early childhood handicapped.

3. A regular early childhood classroom is designed primarily for non-handicapped children. With some environmental and programmatic adaptations, and the assistance of special consultants, such programs constitute a setting into which some handicapped children may be placed. Regular programs may be particularly feasible placement alternative for mildly handicapped children who may require minor environmental and programmatic adaptations to allow them to participate successfully in many of the regular preschool activities.

   K.A.R. 91-12-51(c) requires:

   (1) For approval as a placement for identified handicapped preschool children, private center based programs shall be licensed by the state department of health and environment and approved by the state department of education.

   (2) For approval as a placement for identified handicapped preschool children, private regular early childhood education programs or child day care centers designed primarily for nonhandicapped children shall have teachers who are endorsed for early childhood education as prescribed in K.A.R. 91-1-31. A teacher endorsed for handicapped education shall act as a consulting teacher to the program.

No more than eighteen children, of which three may be handicapped, exclusive of voice fluency and articulation problems may be enrolled. Support services related to the child's handicapping condition shall be provided as indicated by individual education needs.

The center-based program selected for a group of children should reflect the necessary environmental and programmatic adaptations that will allow each handicapped child to function as a member of the classroom group and to receive the special individual instruction he/she requires. Each of the three types of programs provides different educational and service opportunities which should be considered carefully in the placement of any handicapped child.

Enrollees deemed appropriate for a particular classroom alternative are those whose needs, as determined by a comprehensive evaluation, can be most effectively met in that particular setting. A handicapped child should be maintained in the environment where the services and educational programming required by the child can be provided with the least restrictions possible.

Home-Based/Individual Model

In the home-based/individual model an endorsed early childhood handicapped teacher plans and supervises the program. Professionals, instructional paraprofessionals, and parents provide direct service to the child. Teachers and support staff interact on a one-to-one basis with child and parent/caregiver.

The child's home or parent/child clinics may be the most appropriate setting for professional and nonprofessional staff to first involve parents in the educational process, particularly if the child is under three years of age. A home-based/individual program is a partnership between parents and professional staff which builds upon the parents' own understanding of their child's needs and upon the parents' capacity to be involved. Parents are given support and direction in dealing with their child. At the same time, the child is involved in planned activities with his/her primary teacher, support staff, and parents.

The school year of 215 hours direct instruction for homebased or individual programs shall include a minimum of 54 hours of instruction by the professional staff and instructional paraprofessional. No fewer than 13 of the 54 hours shall be directly supervised or provided by the professional staff. Additional hours of individual instruction shall be provided to fulfill the required 215 hours by a combination of documented implementation of the individualized education program by a parent, caregiver, professional, or paraprofessional (K.A.R. 95-12-51(d)).

Combination Model

Services may be provided in any proportionate combination of the individual and the group models, provided the minimum requirements of a full (100 percent) program are available to any child. For example, a group program offering 75 percent of the required 540 hours of instruction would complete the program with the equivalent of 25 percent of an individual instruction program. Combination programs are encouraged if such arrangements are based on identified needs of children and can be used to maximize the effects of the educational program.

SUPPORT SERVICES

Support services as described in the SUPPORT SERVICES section of this Plan shall be provided in early education programs. Physical education as planned motor coordination activities is an integral part of the early education curriculum and may be provided by the early childhood teacher. Although vocational education for preschool children is not appropriate, self-help and social skills are the early childhood counterparts of work skills.

Support (related) services staff who participate in the comprehensive evaluation shall have or obtain competence in the evaluation of children, age birth to five, through preservice and/or inservice training.

CLASS SIZE AND CASELOAD

K.A.R. 91-12-51(f) states:
Class size and caseload limitations are given in table I and table II. No class size or caseload shall exceed the program's ability to implement the individualized education programs of the children enrolled.

TABLE I

Class Size and Caseload for Centerbased, Group Programs

Number of Children	Teacher and Endorsement Early Childhood (EC) Early Childhood Handicapped (ECH)	Number of Paraprofessionals	Additional Staff for Severely Handicapped or Children Ages Birth to Three
	Special Classroom		
1 - 4 handicapped	1 ECH		1
5 - 6 handicapped	1 ECH	1	1
7 - 8 handicapped	1 ECH	1	2
	Integrated Classroom		
12 (4 to 5 handicapped)	1 ECH	1	1
13 (6 to 8 handicapped)	1 ECH	2	1
18 (6 to 12 handicapped)	1 ECH	2	*
	Regular Classroom		
18 (3 handicapped)	1 ECH and 1 ECH Consult.	1	1

* Not approvable for severely handicapped or very young children.

TABLE II

Class Size and Caseload for Home-based, Individual Programs

Number of Children	Teacher and Endorsement Early Childhood Handicapped (ECH)	Paraprofessionals
8 handicapped	1 ECH	0
14 handicapped	1 ECH	1
20 handicapped	1 ECH	2
26 handicapped	1 ECH	3

Requests for approval of variations from these standards shall be made to the Special Education Administration Section. Such requests shall describe the nature of the variation and provide a rationale or justification.

PROGRAM STANDARDS

These standards serve the dual purpose of approving early childhood education programs for the handicapped and recognizing those private non-profit corporation or public or private institution programs which are equivalent to the accredited programs. Any agency which seeks to establish an approved program in this area must meet the standards set forth herein. All programs shall meet the same requirements as school age programs in relation to screening, evaluation, due process, and confidentiality procedures. (See PROCEDURAL RESPONSIBILITIES section.) Each program application will be reviewed by the Special Education Administration Section to determine approval.

PROGRAM APPROVAL APPLICATIONS

Applicants for approval for funding of early education programs shall submit a plan describing the program and procedures which assure that —

1. All applicable requirements of the local comprehensive plan (see LOCAL COMPREHENSIVE PLANS section) are met.

2. Parental (Caregiver) involvement is an integral part of the program. The program shall assure parental opportunity to be a part of the educational team and shall be designed to provide assistance to parents as planners and participants in their child's program.

3. Each program shall provide (or arrange for) special interdisciplinary services for the handicapped child as needed to meet the special educational and training needs of the child and his/her family. A team approach to educational programs should be utilized so that members of the staff who provide special services for a given child may coordinate activities and maintain consistency across training procedures. All persons providing services to the child shall be members of the interdisciplinary team.

GIFTED

DEFINITION

Intellectually gifted children and youth are those who have potential for outstanding performance by virtue of superior intellectual abilities. *'Intellectually gifted' means outstanding performance or potential for outstanding performance by virtue of superior intellectual abilities* (K.A.R. 91-12-22(r)). Both those with demonstrated achievement and those with minimal or low performance who give evidence of high potential in general intellectual ability, specific academic aptitudes, and/or creative thinking abilities are included in this definition.

PROGRAM PURPOSE

The purpose of the gifted education program is to provide children and youth identified as gifted with a differentiated curriculum which facilitates maximum achievement and development of higher level mental processes.

SCREENING AND IDENTIFICATION

Screening

Group tests of intelligence and achievement are useful screening procedures. The following criteria are suggested.

1. Group intelligence test: a composite rank no lower than the 95th percentile on national norms.
2. Group achievement test, elementary level: a composite rank no lower than the 90th percentile on national norms.
3. Group achievement test, secondary level: a rank no lower than the 90th percentile on national norms on at least two academic sections.

The following are characteristics which may indicate giftedness. Staff knowledge of these characteristics should assist them in making appropriate referrals.

1. Ability to learn rapidly and easily.
2. Retention of learning without much repetition.
3. Originality of thought and expression.
4. Ability to generalize, see relationships, and make logical associations.
5. Knowledge and/or appreciation of things of which peers are unaware.
6. Problem solving ability.
7. High level of leadership.
8. Creative reasoning ability.
9. Unusual curiosity.

Identification

Traditional standardized tests of intelligence and achievement do not always provide a valid, unbiased assessment of ability for all students. Such tests may be particularly limited in searching for gifted learners from culturally different populations or those who, regardless of cultural background, do not demonstrate giftedness in achievement. The identification guidelines presented here provide a basis for flexible procedures which will allow for the recognition of talents among all children and youth. Local education agencies should recognize, however, that such flexibility increases their responsibility in assuring that all learners identified as gifted possess high intellectual ability, either potential or demonstrated.

Within the limitations set by this Plan, the criteria used for identifying students as gifted may vary depending on the characteristics of the local education agency's student population and the curricular options available through the regular education program.

Placement in a program for the gifted shall be based on all the components of the following criterion battery as prescribed by (K.A.R. 91-12-52(a)):

(1) *Teacher evaluation of that child;*
(2) *analysis of that child's accomplishments and products for evidence of the intellectual giftedness or potential;*
(3) *documentation of intellectual giftedness through administration of a standardized, individual test of intelligence. The minimum criterion for identification shall be a composite rank of not less than the 97th percentile on national or local norms, whichever is higher, or evidence that the child's standardized, intelligence test score does not adequately reflect the child's high intellectual potential;*
(4) *documentation of intellectual giftedness through administration of a standardized test of academic achievement.*
(A) *For elementary children, the minimum criterion for identification shall be a composite rank of not less than the 95th percentile on national norms, or evidence that such standardized achievement test score does not adequately reflect the child's high intellectual potential; or*
(B) *for secondary children, the minimum criterion for identification shall be a rank of not less than the 95th percentile on national norms on two or more of the mathematics, language arts (including reading), science, and social science sections, or evidence that such standardized achievement test scores do not adequately reflect that child's high intellectual potential.*

CURRICULUM

Programs for the gifted shall provide a qualitatively differentiated curriculum, including a core of subject matter which all students are expected to learn in addition to other subject matter unique to the program for gifted learners. Gifted children and youth must be given the opportunity to learn more in both quantitative and qualitative terms. The program should emphasize —

1. Opportunities for the development of research skills,
2. Availability and variety of learning options,
3. Student-directed learning experiences,
4. Accommodation to creative learning styles,
5. Depth and breadth of learning experiences,
6. Inquiry training,
7. Problem-solving techniques, and
8. Individual projects which result in products superior to those normally expected of age peers.

Programs for the gifted shall also provide curricular options and/or opportunities to explore and participate in a variety of nonacademic learning experiences. Learners displaying interests and/or skills in a wide variety of activities outside the regular curriculum must be given sufficient opportunity to investigate and explore those interest areas. These opportunities should be designed to enhance interest in learning and to extend existing talents. For example, a learner with interest and ability in science and mathematics might be encouraged to build a computer.

On the secondary level, programs for the gifted shall also provide a variety of curricular options and opportunities, such as:

1. Differentiated assignment to academic areas and flexible use of time.
2. A qualitatively differentiated curriculum for academic areas appropriate to individual learners. Secondary students may be expected to display areas of unique interest and competency. Instruction should emphasize creative and productive thinking processes and a wide variety of educational experiences.
3. Special seminars for in-depth exploration of relevant problems, contemporary issues, and aesthetic, philosophical, or humanitarian topics. The frequency and length of seminars shall be determined by learner(s) and person(s) responsible for gifted programs at the district/building level. Seminars may be conducted by students, regular educators, paraprofessionals, parents, resource persons, or combinations of the foregoing under the guidance and supervision of gifted program personnel. Groupings for seminars may cross grade levels. Special seminars may satisfy subject credit requirements with approval of the local board.
4. Flexibility of scheduling to allow enrollment in a wide variety of learning experiences, such as full courses, mini-courses, learning modules, and independent studies in academic and nonacademic areas.

A learning environment providing access to materials, media, and equipment as well as to human resources is required in order to challenge and stimulate these potentially productive learners.

Each gifted child shall be permitted to test out of, or work at an individual rate, and receive credit for required or prerequisite courses, or both, at all grade levels, if so specified in that child's individualized education program (K.A.R. 91-12-52(b)).

To meet the needs of gifted students, advanced opportunities which often are not available within the confines of the public education system must be provided. With the need for advanced expertise and knowledge in specific areas, the local colleges and universities become a primary resource. College coursework should be provided for gifted students as indicated on the IEP after all other appropriate and available options have been expended. *Gifted students may receive credit for college study at the college or high school level or may receive dual credit therefor. If any gifted student chooses to receive college credit, that student shall be responsibe for the college tuition costs* (K.A.R. 91-12-52(c)).

ADMINISTRATIVE STRUCTURES

Instructional Services

For some gifted students, a program may be implemented totally within the framework of regular education. Others will require a combination of instruction from regular teachers and certified teachers of the gifted, or the services of certified teachers of the gifted only. Only personnel certified in gifted education are eligible for reimbursement.

The following methods of serving gifted children and youth may be implemented in the form presented, modified to meet local needs, combined, or used in conjunction with appropriate original designs that are approved by Special Education Administration Section. Approved supervisory personnel must be a component of an approvable and reimbursable program, but other nonreimbursable certified and non-certified personnel may assist in the implementation and operation of a program model.

1. Grouping provisions which facilitate the student's access to learning opportunities
    a. Cluster grouping within the regular class
    b. Part-time groups before, during, or after school or on Saturdays
    c. Seminars
    d. Mini-courses
    e. Team teaching
    f. Alternative schools
    g. Resource room or demonstration classroom
    h. Consulting teacher
    i. Resource personnel
    j. Itinerant teacher
    k. Field trip and cultural events
    l. Special summer study
    m. Symposiums
    n. Special self-contained classes
2. Acceleration activities which promote learning beyond regularly prescribed curriculum
    a. Early entrance to preschool classes
    b. Advanced placement classes
    c. Ungraded classes
    d. Multi-age classes
    e. Tutoring
    f. Correspondence courses
    g. Extra classes for extra credit
    h. Credit by examination
    i. Independent study
    j. Continuous progress curriculum
    k. Year-round school
    l. Flexible scheduling
    m. Block or back-to-back classes
    n. Mentorship
    o. Telescoping
    p. Self-directed, contract programs
    q. Internships
3. Guidance experiences which promote understanding of the self and others and explore opportunities for careers.
    a. Individual conferences
    b. Group meetings
    c. Career and vocational counseling
    d. Educational counseling
    e. Community programs and sponsorship
    f. Scholarship societies
    g. Study groups
    h. Special education classes
    i. Tutoring

(Kaplan, 1974)

For some gifted students, a program may be implemented totally within the framework of regular education. Others will require a combination of instruction from regular teachers and certified teachers of the gifted or the services of certified teachers of the gifted only. The district will receive reimbursement only for personnel certified in gifted education.

CLASS SIZE AND CASELOAD

Maximum numbers of students to be served in various program models are established to provide districts a guide in planning for comprehensive services. The following maximums are prescribed in K.A.R 91-12-52(e) and shall be observed in the implementation of programs when providing services to students:

TABLE III

Class Size and Caseload for Programs for Gifted

Administrative Plan	*Maximum Number of Students to Be Served*	*Maximum Number of Students to Be Served with Full-Time Paraprofessional*
Consulting Teacher	*40-45*	*40-45*
Itinerant Teacher	*25*	*30*
Resource Room	*35*	*40*
Self-Contained	*20*	*25*

The caseload for consulting teachers has been established on the basis of past experience. These persons will be working with professionals only, but may coordinate and supervise specific student activities, such as seminars or other group experiences. *Programs using the consulting teacher model shall develop a scope and sequence of curriculum for gifted students to be used in working with regular classroom teachers* (K.A.R. 91-12-52(d)).

LANGUAGE, SPEECH, AND HEARING IMPAIRED

DEFINITION

As defined in K.A.R. 91-12-22(u), *'Language and speech impairments' means communication deviations or impairments which adversely affect educational performance. These deviations or impairments include the following: (1) Language or speech deviation or impairment, which means basic communication system disorders, deviations, or general developmental needs in language, speech, fluency, or voice quality, which hinder academic learning, social adjustment, self-help skills, or communication skills;*

(2) voice deviation or impairment, which means abnormalities in pitch, loudness, or quality resulting from pathological conditions or inappropriate use of vocal mechanism that interfere with communication or produce psycho-social maladjustment;

(3) fluency deviation or impairment, which means disruptions in the normal flow of verbal expression that are not readily controllable by the individual and occur frequently or are markedly noticeable. These disruptions occur to the degree that the individual or persons who listen to the individual evidence reactions to the manner of speech and the disruptions so that communication is impeded;

(4) articulation deviation or impairment, which means defective production of phonemes (speech sounds) that interferes with intelligibility of speech. Types of misarticulation include substitution of one phoneme for another, omission of phonemes in words, phonemic distortions, and inappropriate additions of phonemes; and

(5) hearing impairment, which means a loss of auditory functions sufficiently severe to affect the ability to communicate with others or to develop communicative or learning skills.

PROGRAM PURPOSE

The purpose of language, speech, and/or hearing programs and services is to provide the activities, materials, procedures, habilitation, and instruction required by students with communicative deviations and impairments. These programs and services are provided by speech pathologists, audiologists, teachers of the hearing impaired, hearing clinicians, program administrators, supervisors, and other appropriate professional and paraprofessional support personnel.

Students with communicative deviations include those with mild developmental or non-maturational problems in language, voice, fluency, articulation, and/or hearing. Those with communicative impairments exhibit impaired language, voice, fluency, articulation and/or hearing to such a degree that academic achievement and/or psycho-social adjustment are affected and are handicapping to the student. The goal of interventional measures for these students is to permit them to perform satisfactorily in the educational setting. Interventions should be programmed at different levels depending upon the severity of the deviation or impairment.

Multiply handicapped children and youth require special educational services designed to ameliorate the effects of combined impairments. The term *multiply handicapped hearing impaired* refers to children having significant physical, emotional, mental, or specific learning disabilities in addition to hearing impairments. When communicative deviations or impairments are present, the provision of language, speech, and/or hearing services is considered essential.

SCREENING AND IDENTIFICATION

Mandatory Hearing Screening

Hearing screening is mandated in K.S.A. 72-1204. In compliance with the Mandatory Hearing Screening Act, every individual assigned by a local education agency to conduct hearing screening shall be competent in the use of a calibrated audiometer. *The special education administration section, Kansas state department of education, and the bureau of maternal and child health, Kansas state department of health and environment, shall review and assure competency of persons assigned by a local education agency to conduct hearing screening as prescribed in K.S.A. 72-1204, and any amendment to this statute* (K.A.R. 91-12-53(a). Assessment of the audiometric technicians will be made at least once every two years. Certificates of competencies will be awarded on a regular basis to those participants from local education agencies and other agencies. Audiometric technicians will be classified as noncertified personnel.

Identification

In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency, in procedures for identifying speech, language and hearing impaired children, shall include an assessment of articulation, language, fluency, voice, and auditory acuity and perception, and an examination of the peripheral speech mechanism (K.A.R. 91-12-53(b)

When a speech impairment is a student's primary handicap, a complete assessment battery may not be necessary. However, a qualified speech/language clinician shall (a) evaluate each speech impaired student using procedures that are appropriate for the diagnosis of speech and language disorders and, (b) where necessary, make referrals for additional psychological, physical, or other assessments needed to make an appropriate placement decision. It shall be the clinician's responsibility to implement this action. In the case of a permanent hearing loss, a comprehensive evaluation is required. (See SCREENING, EVALUATION, PLACEMENT, AND REVIEW section.)

If the screening and assessment procedures required by these regulations are performed by an agency other than the school district, it shall be the duty of the school district to assure that these procedures are in compliance with State guidelines.

HEARING AID EVALUATION

Regular and frequent monitoring of the hearing aid is crucial to a child's ability to profit from the educational experience. The procedures shall meet the following requirements of K.A.R. 91-12-53(c):

(1) *Each local education agency shall maintain a list of all children whom the agency is responsible to educate who wear hearing aids.*

(2) *Each local education agency shall adopt procedures for the regular and frequent monitoring of the functioning of all hearing aids. Those procedures shall meet the following requirements:*

(A) *The aids shall be checked not less than once each week.* (Daily checks are recommended.)

(B) *Personnel shall be designated and trained to provide the listening check in any school building where any child wearing a hearing aid is enrolled. The check may be done by that child's regular or special education teacher or by a paraprofessional.*

(C) *Until any child has completed the fourth grade, the hearing aid of the child shall be checked by the person designated by the local education agency in accordance with the preceding paragraph. Children in the fifth and subsequent grades may check their own hearing aids under the supervision of the person designated by the local education agency.*

(D) *Not less than once each year, the hearing aid of each child shall be checked by an audiologist or hearing aid dealer.*

The hearing aid check can be done quickly and may be easily completed on a daily basis by the child's regular or special education teacher or a classroom paraprofessional. A guide for the listening check may be obtained from the Special Education Administration Section.

CURRICULUM

Hearing Impaired

Many hearing impaired children and youth can profit from some integration in a regular classroom program as long as they are provided with supportive or ancillary services. This implies that teachers and administrators in special programs for the hearing impaired must think of themselves as part of, not apart from, general education. Special programs for the hearing impaired should be articulated with those agencies offering social, rehabilitative, physical, and mental health services to exceptional children and youth. Coordinated and cooperative efforts with all personnel working to improve the home, school, and community environments for hearing impaired students will increase the probability for better educational programs.

The mode through which hearing impaired children and youth should be taught is controversial. There are differences of opinion as to which of the various approaches is best: oral, manual, fingerspelling, or some combination of these approaches. Each method has advantages and disadvantages for individual students, and each student should be given the opportunity to learn the method which is most suitable for him/her. The most significant aspect in parent counseling in this area is to give the parents an understanding of the importance of language acquisition and the broad concept of communication. Rigid insistence upon one method of communication may result in a disservice to the parent and the student.

The hearing impaired student must live among persons in a hearing, speaking world and his/her method of communication should be such that he/she is not arbitrarily forced into isolation or into association with other similarly handicapped individuals. The State Department of Education does not endorse or recommend any one method or approach in the education of hearing impaired students. The Department recognizes that hearing impaired students have individual differences and needs, which may require different approaches and techniques.

No one approach should be devalued in favor of another until evidence demonstrates that the particular approach is not productive. Value judgments should not be placed on those hearing impaired students who may require a particular modality in order to achieve maximum educational potential.

ADMINISTRATIVE STRUCTURES

Public School Programs

Administrative plans appropriate to the education of speech, language, and hearing impaired students are the self-contained classroom, the resource room, the itinerant teacher plan, and consultative services for the regular classroom teacher. In addition parent/infant instructional services and postsecondary academic and/or vocational programs are approvable. (See LEAST RESTRICTIVE ENVIRONMENT section.)

Preschool Programs

In meeting the needs of preschool multihandicapped children with hearing impairments, schools shall plan with the Special Education Administration Section to establish individually designed supportive services. Many hearing handicapped children will require such services in their home communities in order that they may be ready for appropriate educational situations. While educational services are not mandated for preschool children, it is strongly recommended that early intervention programs be provided whenever possible and so authorized.

Residential Program

Supervision: The administrative structure and operation of the Kansas State School for the Deaf is subject to direct approval by the State Board of Education. The educational program of the Kansas State School for the Deaf shall be monitored and supervised by the Special Education Administration Section of the State Department of Education through the Commissioner of Education, including program approval, curriculum development, and certification of teachers.

Program Emphasis: The program emphasis at the Kansas State School for the Deaf shall be to specialize in providing services for hearing impaired children in the following circumstances:

1. Those students who are hearing impaired and live in an area where there are no services available.
2. Those students who are hearing impaired and live in an area where there are services, but who live in a home setting that fails to meet the needs of the child.
3. Those students who are hearing impaired and have accompanying compounding handicapping conditions to the extent that they cannot adequately function in a public school program.

Additionally, the State school shall provide services to parents and professionals as follows:

1. Short-term training sessions when needed and not available locally.
2. Staff development for individuals working in the area of the hearing impaired.
3. Special parent-child training sessions.

SUPPORT SERVICES

Paraprofessionals

Paraprofessionals may be employed as support personnel in language, speech, and hearing. *Paraprofessionals employed in language or speech programs shall be assigned and shall function according to the requirements of K.A.R. 91-12-61, except that, if a paraprofessional is assigned to assist an itinerant speech or language clinician, supervision shall be provided not less than once each week. These language or speech clinicians shall develop a monitoring system for checking the reliability of the services* *being performed by each paraprofessional assigned to assist them*(K.A.R. 91-12-53(d)(1)). *Paraprofessionals may be employed to conduct hearing screening evaluations. If such persons are employed, their competence shall be reviewed as prescribed in K.A.R. 91-12-61* (K.A.R. 91-12-53(d)(2)).

Materials and Equipment

Instructional Programs: Students with language, speech, and/or hearing problems often require highly specialized instructional materials and equipment in order to meet their individual needs. Such equipment may include auditory equipment, acoustical treatment of the classroom, caption films and other visual media, tape recording equipment, and multi-sensory teaching aids. Each local education agency shall provide and make available for its language, speech, and/or hearing programs necessary equipment and materials.

Audiological Diagnostic Services: K.A.R. 91-12-53(e) requires: *For programs offering comprehensive audiological diagnostic services, the minimum audiometric test equipment shall include a calibrated audiometer with provision for field audiometry. A planned program for the maintenance of all equipment and the regular calibration of audiometers shall be in operation. A calibration log shall be maintained by each local education agency and shall be available for inspection. The audiometric instrumental array shall be capable of performing at least the following diagnostic procedures:*

(1) hearing screening;
(2) pure tone and bone condition testing, with contralateral masking;
(3) speech discrimination and speech reception audiometry;
(4) site-of-lesion battery, and
(5) hearing aid evaluation or consultation, or both.

FACILITIES

It is required that each school or other center where language, speech, and hearing services are provided supply appropriate facilities, materials, and equipment. The following special provisions apply to programs for students with communicative deviations and impairments are set forth in K.A.R. 91-12-53(f).

(1) Itinerant and consulting language, speech, hearing conservation, and audiometric hearing screening programs may use mobile speech and hearing vans, if available space in schools and other centers does not meet the state approved standards. Speech and hearing vans shall be used only on a temporary basis, and the local education agency's local comprehensive plan shall provide for their replacement with permanent facilities. Any local education agency having a temporary facility shall submit annually to the education administration section, a request for approval of that facility.

(2) If diagnostic audiological services are offered, a specially constructed, sound-treated suite, providing adequate attenuation of outside noise, shall be used. The maximum noise levels allowed shall be as prescribed in ANSI S3.1 of the "American National Standard Criteria for Background Noise in Audiometer Rooms," 1971 edition, which is incorporated here by reference.

(3) Any local education agency operating a demonstration program through a special grant shall provide observation areas or windows in the facility.

CLASS SIZE AND CASELOAD

K.A.R. 91-12-53(g) stipulates:

(1) The maximum class size and caseload for speech and language programs shall be as prescribed in table IV.

TABLE IV

	Consulting Teacher	Itinerant Teacher	Resource Room	Special Room
GROUP SIZE	Individual or Group through indirect service.)	Individual or small group, Up to 3 students per session.	Individual or small group, Up to 5 students per session.	Up to 10 students per speech or language clinician. Up to 15 students per speech or language clinician and paraprofessional.
TIME PER DAY	Variable: Possible range 1/2 hr. (mild) to 3 to 4 hrs. per day.	1/2 to 1 hr. per day.	1 to 3 hrs. per day.	Full school day.
TIME PER WEEK	1 to 2 times per week.	2 to 5 times per week.	4 to 5 times per week.	Full-time placement.
CASELOAD MAXIMUMS	Up to 10-15 students severe. Up to 15-40 students mild to moderate.	Up to 25-35 students.	Up to 15-25 students.	Up to 15 students with paraprofessional. Up to 10 students without paraprofessional.

(2) *The maximum class size for programs for hearing impaired children shall be as prescribed in table V. If paraprofessionals are employed as a part of any of the following special class program models, the maximum caseload may be increased by three students. The chronological age span shall not exceed three years, unless permission is obtained from the special education administration section.*

TABLE V

Class Size and Caseload for Programs for Hearing Impaired

Administrative Plan	Number of Students
Special Self-Contained Class — Preschool	6
Special Self-Contained Class — Primary	6
Special Self-Contained Class — Intermediate	8
Special Self-Contained Class — Secondary	8
Special Self-Contained Class — Elementary (two or more levels combined)	6
Special Self-Contained Class — Secondary (two or more levels combined)	8
Itinerant	15
Resource Room	As Needed
Diagnostic Assessment	As Needed
Parent Infant	20 when parent and child are seen primarily on an individualized basis
Residential	The same maximums apply for delivery models listed above
Regular Class	No more than two hearing impaired students shall be assigned to the same regular classroom or regular classroom teacher.

MENTAL RETARDATION

DEFINITION

'Mental retardation' means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior which adversely affects educational performance and the ability to acquire the skills necessary for making decisions in actual life situations. Mental retardation includes dependency level's which are determined by the extent and type of support each retarded child needs to function in and to relate to the physical and social environment of the child. These dependency levels are:

(1) *'Semi-independent dependency level' which means: (A) Mild retardation according to the mental deficiency classification, as prescribed in "Manual on Terminology and Classification in Mental Retardation," edited by H. J. Grossman, published by the American Association on Mental Deficiency, dated 1973, revised 1977; and*

(B) functional capabilities which can be developed to aid the individual in interaction and decision making.

(2) *'Semi-dependent dependency level' which means: (A) Moderate retardation according to the mental deficiency classification, as prescribed in "Manual on Terminology and Classification in Mental Retardation," edited by H. J. Grossman, published by the American Association on Mental Deficiency, dated 1973, revised 1977; and*

(B) the ability to achieve independence in functional use of capabilities while accounting to an adult serving as an advocate.

PURPOSE

The purpose of the program for mentally retarded students is to provide them with experiences which increase their ability to make independent decisions both as children and as adults in our society. Dependency levels ranging from automatic without conscious thought through independent, semi-independent, semi-dependent, dependent, to totally dependent are used to identify the amount of support a student requires in a given situation. Because a student may perform at a totally dependent level in one situation while performing at an independent level in another, programming must consider each activity in which the student participates. Each student's readiness to participate in each activity must be assessed in order to provide learning experiences which increase his/her ability to perform at a higher level in the dependency continuum.

Semi-Independent

Functional capabilities will be developed to aid students in environmental interactions and decision making. Among these capabilities are—

1. Learning from experiences in actual life situations.
2. Understanding the relationship between one's own behavior and consequences of that behavior.

3. Recognizing the basic concepts of inter-dependency between people and self in actual life situations. Relationships with agencies and organizations are included when they become a part of the student's life experiences.
4. Assuming responsibility for financial support of self and those for whom one is responsible as an adult. For younger students related capabilities will be developed, such as persistence in completing a responsibility and management of materials and self in relation to space and other people.
5. Using the attained level of basic academic skills as a part of problem solving in actual life situations.
6. Developing the ability and desire to learn how to learn and to explore new areas.

Semi-Dependent

Functional capabilities will be developed to aid students in achieving independence while accounting to an adult. These capabilities are —

1. Increasing independent actions and decisions, first in the immediate neighborhood, then in a larger or more distant community.
2. Independently following through on basic personal maintenance, although assistance may be required for the more complex problems.
3. Assuming partial financial responsibility for livelihood through employment as a member of a community or industrial work crew, in competitive employment, or in sheltered workshop or work activity settings. For younger students related capabilities will be developed, such as persistence in completing a responsibility and management of materials and self in relation to space and other people.
4. Using basic academic skills in actual life situations or learning to use substitute approaches to compensate for weak areas of performance.
5. Using understandings related to interpersonal relationships in a wide range of environmental settings.

SCREENING AND IDENTIFICATION

In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying exceptional children, an assessment of the level of intellectual functioning and adaptive behavior. This assessment shall be for the purpose of identifying children who are mentally retarded (K.A.R. 91-12-54(a)).

CURRICULUM

Education programs for mentally retarded children shall include work experiences and life experiences. Each local education agency providing this program shall develop a continuum of content for the major emphasis of study and a plan for continuous review and revision (K.A.R. 91-12-54(b)).

Long range goals for semi-independent and the semi-dependent students should recognize that these individuals will be required to make independent decisions (at their level of capability) as adults in our society. It has been demonstrated that the mentally retarded can interact successfully in many environmental settings and are becoming more mobile. In order to relate to the changing needs of the mentally retarded, education must place emphasis on developing the following:

1. Positive values and attitudes,
2. Self-organization and management skills,
3. Ability to make generalizations, and
4. Decision-making and problem solving abilities.

In a continuous program of service, there will be an overlap of age groups and instructional levels. Therefore, it is important to provide continuity throughout all instructional levels. The program focus is expansion of student's thinking processes in curriculum areas, such as personal and family welfare; leisure time; personal and community health; communication; codes, rules, laws, and regulations; spatial orientation and travel; management of finances; and world of work and employment. These areas provide the major content for learning about making decisions at each student's level of capability. Academic instruction is related to the individual student's ability to generalize and use skills in functional life experiences.

Since a necessary component of the senior high program is a comprehensive preview of all aspects of adult living, education experiences shall include work experiences as well as functional life experiences. In order to provide a full range of services at the transition level, special education must be interrelated with other services, such as those provided in area vocational-technical schools, vocational education programs, training settings in business and industry, and sheltered workshops and/or work activity programs in community facilities. In addition to these work related settings, program experiences should include interactions with the full range of human service organizations, institutions, and agencies.

The transition to adult living is unique in that it uses a broader base of interrelationships with a greater number of individuals, organizations, and settings. Although this level of instruction is different, it must be considered as a part of a full service continuum from birth through adulthood. At all levels of instruction it is necessary to search for alternative settings and experiences which provide students with opportunities to relate to their total environment.

Local districts shall develop a continuum of content for the major emphasis of study and a plan for continuous review and revision. This is necessary since most mentally retarded students require a differential curriculum and since local districts are required to certify that graduating seniors have completed a program of study. Technical assistance and/or coordination of efforts is provided by the State Department of Education.

ADMINISTRATIVE STRUCTURES

Instructional Services

The LEAST RESTRICTIVE ENVIRONMENT section defines options for the delivery of instructional services. In the area of mental retardation, the special classroom with selective integration of students in those general education learning environments, which meet individual needs, is commonly used to deliver services. However, it is apparent that the role of many teachers currently in these settings will change. If students are to be systematically moved to less restrictive placements, teachers must begin to function as team members. One statewide activity in the Kansas Plan of Program Management and Evaluation is designed to assist teachers in becoming effective team members. A gradual, as opposed to instantaneous, change from present practice is recommended in order that teachers may have time to develop and practice new understandings and skills.

SUPPORT SERVICES

Vocational/Rehabilitation Specialist

The special teacher's role is primarily instruction. Therefore, it is advisable to have a vocational/rehabilitation specialist to support the senior high transition program to adult living. The responsibilities of this specialist include vocational evaluations, job training, work placement, and follow-up studies. He/she should assist special education personnel in coordinating community and agency vocational and rehabilitation program services. In larger school districts there will be more than one specialist since the active caseload may range between thirty-five and seventy individuals depending upon the complexity of the cases. This specialist may work with students in all program areas of special education.

Vocational/rehabilitation specialists may be employees of other community agencies. Examples of coordination of agency efforts are as follows:

1. A vocational rehabilitation counselor employed and supervised by the area Social and Rehabilitation Services office may become a member of the public school sponsored and supervised team for the secondary program of transition to adult living.
2. A member of a joint special education and vocational education team may be associated with a vocational-technical school program or vocational education program of the high school.
3. A vocational rehabilitation specialist for lower functioning semi-independent learners or semi-dependent learners may be employed and supervised by a public or private agency other than the public school. This person could work in the public school or community agency to provide both pre- and sheltered workshop experience as a part of the older teenage and young adult transition program. The training setting also might be related to or housed in an industrial or business setting.
4. The services of a work activity specialist for initial work experiences to prepare lower performing students for a sheltered workshop and/or activity setting could be obtained through —
    a. A contractual arrangement with a special purpose school; or
    b. An in-kind arrangement where the public school provides the non-vocational social skills component while vocational component is provided in work activity experiences in a setting other than special education setting.

    Regardless of the arrangement, the work activity specialist and teachers should work as a team with a work specialist relating to community based settings and/or industrial and business settings used for specialized training.

Paraprofessional

A paraprofessional may be assigned as a special support person if supervised by professional teaching staff working in or relating to any of the above organizational variations. A major function of the paraprofessional in this program area is to provide support which results in the student becoming more independent in performance. Functions of the paraprofessional include —

1. Monitoring students' ability to perform a life skill independently both in an instructional setting and in the community;
2. Reinforcing an isolated skill, leading to more independent performance in a least restrictive environment placement; and
3. Supporting situations where a peer provides demonstration and serves as a model.

CLASS SIZE AND CASELOAD

Semi-Independent

(1) Semi-Independent. Special classes for semi-independent children shall not exceed the ratio of 15 children per teacher in a full day of instruction. The chronological

age spread shall not exceed four years. Exceptions to these requirements are as follows:

(A) *Secondary level enrollment may be increased to 17 by including one additional student for each year the age spread is reduced.*

(B) *Secondary programs using paraprofessionals, may increase enrollment to 20 if a full-time curriculum specialist or supervisor or work specialist to the program.*

(C) *Enrollment exceptions may be made at any instructional level if additional mentally retarded children who have been attending a special education program move into the district.*

(D) *Primary programs shall have an enrollment of no more than 12, unless services of a paraprofessional are available.*

Semi-Dependent

(1) *Semi-Dependent. Special classes shall not exceed a ratio of one teacher for 10 children in a full day of instruction. The chronological age spread shall not exceed four years. An enrollment of 10 children shall require that a paraprofessional be assigned to the program. Exceptions to these requirements are as follows:*

(A) *If the chronological age span is reduced to two years, two additional students may be enrolled at the intermediate and secondary levels.*

(B) *Above the primary level, enrollments may be increased by two for each paraprofessional, unless there are children enrolled who require one-to-one instruction for at least one-third of their instructional activities.*

(C) *Enrollments in secondary programs which are interrelated with sheltered workshop and work training may be increased up to 15 students. This enrollment shall require the assistance of at least one paraprofessional and formal working relationships with work specialists in the sheltered workshop* (K.A.R. 91-12-54(c)).

PERSONAL AND SOCIAL ADJUSTMENT

DEFINITION

K.A.R. 91-12-22(aa) defines personal and social adjustment problems as *one or more marked behavior excesses or deficits, or both, which are chronic in nature, occur in several environments, and interfere with learning and social interactions in the educational setting*. Behavior excesses and deficits include, but are not limited to, the following:

1. Aggressive and/or anti-social actions;
2. Inappropriate, uncontrolled, and/or bizarre behaviors;
3. Persistent moods of depression or unhappiness;
4. Inability to build or maintain satisfactory interpersonal relationships with peers and adults;
5. Disregard for the consequences of own actions; and
6. Unreasonable fears associated with personal or school experiences.

Included in this category are students with behavioral disorders, emotional disturbances, and mental illness. Students adjudicated as juvenile delinquents are included only when evaluated and found to have personal and social adjustment problems.

PROGRAM PURPOSE

The purpose of the personal and social adjustment program is to provide appropriate learning environments and services that facilitate the educational progress of students with behavioral disorders. The major objectives of the PSA program are the following:

1. To develop coping and adjustment skills.
2. To increase academic/vocational and/or self-help skills.
3. To prevent more serious problems through early identification and intervention.

SCREENING AND IDENTIFICATION

Screening

Under K.A.R. 91-12-55 each local education agency is required to implement screening procedures to identify those students who may need special education services. (See SCREENING, EVALUATION, PLACEMENT, AND REVIEW section.) Because early identification of personal and social adjustment problems is essential for effective intervention and because such problems may develop at any time in a child's life, it is essential that local education agencies have systematic procedures which indicate those children who may have emotional disabilities.

A number of personality inventories or behavior rating scales are available to assist teachers and support service staff in describing and, to some degree, quantifying behavioral excesses and deficits. While none of these instruments by themselves are acceptable for identifying children who have emotional disabilities, judicious use may help professional staff —

1. Compare ratings of a specific student with the normative data of typical peers,
2. Identify specific overt behavior symptoms, and

3. Understand the relationship between the rater and the student.

Teacher referral can be an effective screening procedure, especially when an active inservice program is implemented which assists school personnel in differentiating between students who are merely troublesome to the educational system and those who are so troubled that they cannot function optimally in the educational system. Other persons having close and regular contact with the student also should be used as referral sources in the screening process. Aggressive efforts should be made to educate the entire community to the characteristics and needs of children and youth with emotional problems. Such efforts will assist the local education agency in locating those students in need of special education services.

Identification

Evaluation and placement procedures as outlined in the SCREENING, EVALUATION, PLACEMENT, AND REVIEW section shall be followed. For some students suspected of having emotional disorders, psychiatric evaluation results will be needed in order to make educational placement recommendations. *Each local education agency shall include in its procedures for identifying children with personal and social adjustment problems:*

(1) procedures designed to identify withdrawn or acting out children; and

(2) procedures for determining the need for a psychiatric evaluation (K.A.R. 91-12-55(a)).

The local education agency evaluation team is then responsible for determining whether or not such data are required. K.A.R. 91-12-55 also provides that the cost of any psychiatric evaluation requested by the evaluation team be provided at public expense.

Because of the rapid changes which may occur in the performance of PSA students, the success and appropriateness of all placements shall be assessed at least every twelve weeks. All children and youth served in a personal and social adjustment program must be thoroughly reviewed by a multidisciplinary team at least once a year. This is in addition to the triennial comprehensive evaluation period required for other types of exceptional students. The purpose of the formal annual multidisciplinary review shall be to determine whether the current level of service is appropriate to the student's current needs.

CURRICULUM

K.A.R. 91-12-55(2)(b) requires that *the curriculum of personal and social adjustment programs shall emphasize development of acceptable methods of coping with and adjusting to their environment in order that each child may function in progressively less restrictive educational environments.* Appropriate effective annual goals shall be included in each student's individualized education program.

Children and youth with emotional problems seldom perform in keeping with their intellectual ability. Therefore, another aim of instruction should be to close or narrow the discrepancy between actual and potential performance. Curricula will vary depending upon the characteristics of the students served. For the mildly handicapped, instructional goals and objectives may be the same as those of peers in regular education. The more severely handicapped students may require adapted curricula designed to develop communication, motor, self-help, and/or vocational skills. Each student's strengths and weaknesses, as identified by the comprehensive evaluation, shall be used to determine his/her individualized education program. Special methods and materials must be used to motivate students and to alleviate or lessen their learning problems.

Early identification of children and youth with social or emotional problems is critical. If these problems are recognized and dealt with at their onset, many students may be maintained in the regular education program with only supportive services (such as school psychology, school social work, or consulting or itinerant teacher services). Repetitive failure can be prevented by introducing learning experiences geared to the student's developmental level. If educational patterns are carefully structured and geared to success, positive changes in personality patterns may be achieved. There is evidence that such positive changes are more apt to occur the earlier the intervention is introduced. Unlike some other handicapping conditions, emotional disabilities may develop at any time in an individual's life. Therefore, prevention efforts should include inservice activities which alert all instructional and administrative staff to the characteristics of PSA children and youth and to referral procedures. Local education agencies also are encouraged to initiate programs in parenting education toward the objective of preventing or lessening behavioral disorders.

Various studies have shown that emotional and social problems can be identified at a very early age. Providing preschool programs for children with identified emotional and social disabilities is an effective and efficient way of preventing or lessening more severe problems later in the child's life. Early intervention may reduce the need for special programming when the child reaches school age, or may allow programming in a less restrictive environment than would otherwise be possible.

Preschool programming is, of necessity, different from elementary programming. More attention should be paid to activities which promote interpersonal relationships and self-concept than to formal academic experiences. Some readiness activities, however, should be introduced. Supportive services, such as parent training and/or family counseling, must be a vital part of any preschool program.

ADMINISTRATIVE STRUCTURES

Consulting Teacher, Itinerant Teacher, and Homebound Services

As a group, students with emotional disabilities need varying degrees of support at different times in their school careers. The LEAST RESTRICTIVE ENVIRONMENT section defines commonly used models for the delivery of instructional services. K.A.R. 91-12-55(c) sets forth additional requirements for state approval of personal and social adjustment programs.

(1) *Each consulting and itinerant teacher shall be fully endorsed to instruct children with personal and social adjustment problems, and shall be recommended by the parent training institution as having competencies in working with peers as well as children.*

(2) *Consulting teacher and itinerant teacher plans for delivering special education services shall not be used for moderately to severely handicapped children, or for children requiring crisis intervention.*

(3) *Consulting teacher and itinerant teacher plans for delivering special education services shall be used only to maintain mildly handicapped children in regular education, support the instructional staff in interrelated programs, or to enhance the probability of successful reintegration of children into less restrictive programs.*

(4) *Children hospitalized for the treatment of emotional problems may receive instruction in the hospital setting for the duration of their confinement. Homebound instruction shall be used only as a temporary measure while the local education agency arranges for an appropriate educational placement. Children with emotional problems shall not receive instruction solely in their home for more than two months. Applications for part-time homebound or hospital instruction for children with emotional disabilities shall state the reason or reasons why the*

services are needed and shall be signed by a psychiatrist, certified school psychologist, or certified clinical psychologist. Each local education agency shall include a statement indicating plans for meeting the educational needs of the child after the homebound or hospital instruction has been terminated.

Resource Room and Self-Contained Classroom

The amount of time spent by a student in any special classroom model is determined individually in keeping with the least restrictive environment concept. Close attention should be given to interactions among students assigned to resource or self-contained programs to prevent the reinforcement or modeling of undesirable behaviors. Scheduling of time spent in the special classroom often can be used to separate students who have an adverse affect on each other.

Residential Schools

If a student cannot benefit from the public school program and requires a more intensive treatment program, the school district may contract with a public or private special purpose school for either day or residential programs. Districts also may make referrals to community mental health centers for a determination as to whether the student meets criteria for admission to a State institution. (See STATE INSTITUTIONS section.)

RELATED SERVICES

K.A.R. 91-12-55(d) (1) states: *The services of school psychologists certificated and endorsed by the state board or of certified clinical psychologists shall be available to all personal and social adjustment programs.*

(2) *The services of school social workers certificated and endorsed by the state board or of clinicial social workers shall be available to all personal and social adjustment programs.*

Psychological or psychiatric diagnosis and student/family counseling are often required to support PSA students in their educational programs. These and other supportive services shall be provided at public expense when —

1. Directly related to educational progress, and
2. Specified as a responsibility of the local education agency in a student's individualized education program.

School districts are not responsible for psychological, psychiatric, or social services required to treat generalized mental health problems which have been diagnosed by appropriately certified or licensed professionals. When it is determined through a comprehensive evaluation that a student needs additional treatment by a mental health professional, appropriate referral should be made. The public school is not responsible for such additional treatment but must provide appropriate special education and support services for a student under treatment unless or until the student meets criteria for admission and is admitted to a State institution. Psychiatric treatment is considered medical in nature, and its provision is not a responsibility of the public schools.

In order to provide the therapeutic and consultative services often necessary to supplement the educational program of PSA students, it is recommended that local education agencies identify and work out cooperative agreements with community agencies that have capabilities for helping individual students and their family groups. These agencies include State Department of Social and Rehabilitation Services, local mental health centers, and guidance clinics. Cooperative agreements should attempt to define the role of each participating agency when both mental health treatment and special education are indicated for a student.

Local education agencies should also provide and promote prevention programs. Only through active programs which enhance positive mental health attitudes among students and educational agency staff can the real problem of personal and social maladjustment ever hope to be diminished in the educational system.

INSERVICE FOR INSTRUCTIONAL PERSONNEL

Inservice for school personnel is an essential component of personal and social adjustment programs and requires a total program team effort. The most successful programs operate where administrators are aware of the needs of PSA students and lend support and where the building staff is cooperative in meeting the total needs of the students. The positive attitude of the building staff toward the student with emotional disabilities is of key importance in returning him/her to the regular school program.

CLASS SIZE AND CASELOAD

Consulting Teacher

The consulting teacher's role is supportive in nature. It involves needs assessment, program planning, back-up services to regular and special education teachers, and inservice training. Therefore, there is no caseload, as such, for a consulting teacher. No more than one-fourth of the consultant's time may be spent with students. The majority of consultant time is used to confer with teachers and to plan for educational services needed by students with emotional disabilities.

Itinerant Teacher

The caseload of the itinerant teacher is established from the individualized education programs of students identified as requiring this service delivery model. The amount of time required by each student to benefit from the itinerant program shall be given to that student. That is to say, the amount of student/teacher contact time is determined by the needs of the students served rather than by the number of students needing service. In establishing a caseload for the itinerant teacher, consideration also must be given to time for planning and consultation with teachers. Local education agencies are cautioned against overloading the itinerant teacher to the point that services are so diluted as to be ineffective.

Resource Room

Because of the nature of the resource room, there may be daily or weekly changes in attendance. The maximum number of students in attendance in the resource room at any one time is eight, although up to fourteen students may be carried on the caseload at a time with at least one full-time paraprofessional. Paraprofessionals may be used to allow the teacher to work with the students' regular classroom teachers. The number of paraprofessionals shall be based on program and student needs.

Self-Contained

Self-contained special classes in either public school or residential settings may contain no more than eight students except that two students may be added if a full-time paraprofessional(s) is assigned. The maximum chronological age span is four years.

Self-contained programs at the secondary level, which are departmentalized by curricular content area, may contain no more than eight students at any one time. For such programs the total number of students assigned to one teacher shall not exceed thirty.

K.A.R. 91-12-55(e) specifies the class size and caseload limitations for personal and social adjustment programs. Any departure from these standards must be approved by the Special Education Administration Section prior to the implementation of services.

Table VI

Class Size and Caseload for Personal and Social Adjustment Programs

Program Level	*Administrative Plan*	*Maximum Caseload*
All Levels	*Consulting teacher*	*Not applicable* *No more than 1/4 time to be spent with students.*
	Itinerant teacher	*Based on student need.*
	Resource Room	*No more than 8 at any one time.* *Maximum caseload of 14 with a full-time paraprofessional.* *Number of paraprofessionals based on program and student needs.*
	Self-contained	*8 - may be increased to 10 with a full-time paraprofessional. The maximum chronological age span shall be four years. Self-contained programs at the secondary level, which are departmentalized by curricular content area, shall contain no more than eight students at one time and no more than 30 children shall be assigned to one teacher.*

PHYSICALLY AND OTHER HEALTH IMPAIRED (INCLUDING AUTISM)

DEFINITION

Children and youth with physical and other health impairments are those whose physical disabilities restrict or prevent them from experiencing meaningful/productive participation in regular educational programs without special education assistance. One or more special education services may be required to assure optimum participation in the total instructional environment. The physical and health impairments are further clarified as follows:

Physically Impaired

'Physically impaired' means a severe physical disability of such severity as to adversely affect educational performance (K.A.R. 91-12-22(bb)). The term includes impairments caused by congenital anomaly (i.e., spina bifida, absence of some member), impairments caused by disease (i.e., bone tuberculosis), and impairments from other causes (i.e., fractures, burns which cause contractures, amputation, cerebral palsy and other dystrophies and atrophies).

Other Health Impaired

'Other health impaired' means limited strength, vitality, or alertness that interferes with participation in educational experiences (K.A.R. 91-12-22(y)). The term includes impairments caused by chronic or acute health problems, such as heart condition, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophelia, epilepsy, lead poisoning, leukemia, or diabetes. Autistic conditions which are manifested by severe communication and other developmental and educational problems are included in other health impaired. (See SPECIAL CONSIDERATIONS, this section.)

PROGRAM PURPOSE

The purpose of special education and related services for the physically and other health impaired is to ensure that these exceptional students are provided appropriate opportunities to achieve educational goals commensurate with their potential. Primary goals related to the program purpose include, but are not limited to, the following:

1. Attainment and maintenance of a realistic level of independent functioning in the school, the home, and the community.
2. Acquisition of cognitive/affective skills that may be used to compensate for or circumvent problems resulting from the impairment.

SCREENING AND IDENTIFICATION

In addition to the assessments required in the SCREENING, EVALUATION, PLACEMENT, AND REVIEW section, evaluations by therapists, nurses, physicians, and other qualified health providers should be included in the comprehensive evaluation. These related areas of evaluation are required to confirm a diagnosis of a physical or other health impairment. *If screening procedures indicate a physical or health impairment, the local education agency shall include the following as part of the comprehensive evaluation:*

(1) *Evaluations by therapists, nurses, physicians, and other qualified health providers to determine conclusively, whether a physical or health impairment exists; and*

(2) *a psycho-educational assessment to determine the extent to which the physical or other health impairment restricts or prevents meaningful and productive participation in general or special education environments* (K.A.R. 91-12-56(a)). These latter areas of assessment are necessary if the comprehensive evaluation is to result in the determination of the absence of or the identification of another area of exceptionality as a major disability/capability.

CURRICULUM

For a large number of these students, the regular education curriculum would be the focus for the content of their education experiences. However, if a physically or other health impaired student has another identified area of exceptionality which requires a different/adapted curriculum or specialized teaching techniques, that exceptionality becomes the major area of study for the student.

ADMINISTRATIVE STRUCTURES

The type of special education services provided to physically and other health impaired children shall be determined by the severity of the physical handicap or handicaps and any concomitant deficit or deficits. The individualized education program of each child shall state the regular or special education program or programs in which the child will be served (K.A.R. 91-12-56(c)(1)). In many circumstances, more than one model may be desirable to provide optimal educational services. Most traditionally these children will be served in a self-contained classroom.

When making a determination of services needed by physically or other health impaired children, it is particularly important to keep the concept of least restrictive environment in mind. It is the severity of the physical handicap(s) and the concomitant deficit(s) that determine the delivery model and services needed. Placement, then, shall not be made solely on the basis of physical and other health impairments. Among the individual needs which directly affect education planning are those such as social/emotional adjustment, cognitive/affective development, and chronological age and maturation. Self-contained programs for physically and other health impaired students will more often be available on a statewide or on a larger regional basis rather than on a cooperative/district basis.

The range of services which may meet the needs of physically and other health impaired children are illustrated by the following examples.

1. The student requires support services such as transportation, physical or occupational therapy, or paraprofessional assistance to effectively participate in regular education opportunities with their non-handicapped peers. (See RELATED SERVICES section for limitations on provision of support services.)
2. The student has an accompanying area of exceptionality which would require either a specialized curriculum (e.g., mental retardation, hearing impaired, gifted) or a handicapping condition which requires the use or acquisition of specialized techniques (e.g., visually impaired, emotionally disturbed, learning disabled).
3. The severity and complexity of the handicapping condition requires a concentration of specialized instructional techniques and related services. The concentration of the required specialized services cannot be provided within the regular education setting and requires a special class or special purpose school placement.
4. The student requires short-term instruction because an injury, surgery, or illness results in hospitalization and/or home recovery. This instruction is provided through the use of the delivery model of home and hospital instruction.

Transfer of the student from one program to another may be appropriate as progress is made physically, academically, and socially. The above continuum is achieved through the use of one or more of special education and/or regular services, such as —

1. Related services;
2. Architectural/structural/space adjustments;
3. Special education service where another special education need represents a major handicapping condition;
4. Flexibility in scheduling for required rest or change in position;
5. Special education services, for a part of the day or for a period of time, which focus directly on specified need related to the handicapping condition of physically or health impaired.

SUPPORT SERVICES

Programs for the physically and other health impaired require the specialized services of supportive personnel who facilitate the physical and educational progress of the students. It is essential that supportive personnel function as a team in the planning and delivery of these services. Coordination by school administrators is required to ensure the effectiveness of such close association and cooperation. The following supportive services shall be provided if indicated in the individual plan of the student (IEP).

1. Services of school psychologist and guidance counselor. These services may provide assistance in evaluation, curriculum design, and job placement, parent training, and counseling.
2. Services of clinicians and therapists. These services may include speech, language, occupational, art, dance movement, music, recreational, and physical therapy.
3. Medical diagnosis. Physicians, surgeons, nurses, and other medical technologists may provide *diagnostic* consultation as needed.
4. Contact and/or consultation with individuals with physical impairments.
5. Services of social worker. This service is often necessary for flow of information, appropriate contact, and coordination of program components among school, family, and community.

Paraprofessionals

The role of paraprofessionals in this program area is to assist teachers and other program specialists in implementing individualized education programs and in attending to special physical needs of students. Students with physical impairments in regular education programs may require the services of a paraprofessional in order to be in the regular classroom or other environments of the regular education process. Local education agencies are encouraged to employ a paraprofessional in these situations. In regular classroom settings, paraprofessionals shall be administratively assigned to a certified special education professional, such as a school psychologist or a supervisor of special education.

FACILITIES

Assessment of existing physical facilities must be made with consideration for the needs of the population to be served. In some instances, minor adaptations will bring facilities up to required standards. In other instances, extensive renovation will be necessary to remove barriers and environmental restrictions. Primary consideration must be given for change and adjustments, but these changes are not limited to ramps, restrooms, entrances, elevators, light switches, wash basins, towel dispensers, mirrors, non-slip surfaces, and special classroom furniture and equipment.

CLASS SIZE AND CASELOAD

Class size and caseload limitations for physically and other health impaired children shall be determined upon the basis of the delivery model used, the extent of services needed and the distances that must be traveled to provide services (K.A.R. 91-12-56(d)(1)).

Whenever possible travel distances shall be kept to a minimum in order to increase the effectiveness of the special education services.

SPECIAL CONSIDERATIONS
AUTISM

Autism manifests itself in numerous behavioral and functional impairments and, in Kansas, it is not identified as a separate special education category. Autistic students may be served in a variety of categorical programs. For categorical counting purposes, in accordance with the Federal data collection system, autistic students shall be listed with the physically and other health impaired.

DEFINITION

'Autism' means a severe and pervasive life long developmental disorder manifesting itself before thirty months of age. Children and youth with autism exhibit chronic impairments in the ability to learn, communicate, and interact with others in their environment (K.A.R. 91-12-22(b)). These children are handicapped to such a degree, and so significantly incapacitated in their functioning, that special education and related services are almost always necessary.

Autism is characterized by pervasive deviations and distortions in the following functions.

1. The Capacity to Appropriately Relate to Other Persons

   The failure to develop interpersonal relationships is characterized by a lack of interest in people, with concomitant failure to develop normal attachment behavior. Often these deficiencies may be manifested by a failure to cuddle, by lack of eye contact and facial responsiveness, and by indifference or aversion to affection and physical contact. Children with autism fail to develop cooperative play and friendships. Autistic youth may have an awareness of and attachment to parents and familiar adults. They may also have a passive involvement with other children; however, this apparent sociability is superficial.

2. The Capacity to Appropriately Relate to Their Environment

   Bizarre responses to the environment may take several forms. Most often observed are disturbances in relationship to objects and events. There is often attachment to odd objects, for example, the child may insist on always carrying a string or rubberband. Objects may be used in an unusual manner, such as toy truck and train wheels twirled instead of an entire toy moved as a transportation object. Adverse and extreme reactions to changes in events are common, for example, the child may scream when his place at the dinner table is changed.

3. The Ability to Develop Appropriate Speech and Language

   Acquisition of speech is markedly delayed. Language development and usage (both verbal and non-verbal) is different from normal children and from children with other language disorders. There are impairments to underlying or preceding language skills, such as social imitation, imitative games, meaningful use of objects. Appropriate non-verbal communication, such as socially appropriate facial expressions and gestures, is often lacking. These children often fail to develop the use of abstract terms, concepts, and reasoning.

Speech is likely to develop much more slowly than is normal; in some cases it fails to develop at all, or appears and then vanishes. The child who does learn to speak often shows echolalia, responding to a statement by echoing the last few words. Echolalia may or may not have communicative intent.

4. The Ability to Respond Appropriately to Sensory Stimuli

   There is often underresponsiveness or overresponsiveness to sensory stimuli. This may or may not be accompanied by stereotypic behaviors. Following are examples of sensory involvement and concomitant behavioral symptoms:

   a. Visual Symptoms. There may be prolonged regard of hands or objects, flicking of hands in front of eyes, and ritualistic arrangement of objects. There may also be apparent non-use of eye contact and staring.
   b. Auditory Symptoms. Possible close attention to self-induced sounds, non-response or overresponse to varying sounds, and/or special attention to music may be present. Often the child with autism appears not to hear.
   c. Tactile Symptoms. Over or underresponsiveness to touch or temperature, prolonged rubbing of surfaces, and sensitivity to food texture are often exhibited. Also found are self-injurious behaviors, such as hair pulling, head banging, or biting parts of the body.
   d. Vestibular Symptoms. Autistic children may exhibit over or underresponsiveness to balance and gravity. Whirling without dizziness and preoccupation with spinning objects is common.
   e. Olfactory Symptoms. There may be repetitive sniffing, specific food preferences, and licking of inedible objects.

5. The Ability to Develop at Expected Rates and Sequences

   Normal coordination of the three developmental pathways (motor, social-adaptive, cognitive) is disrupted. Delays, arrests, and/or regressions occur among or within one or more of the pathways. Within the motor pathway, gross motor milestones may be normal while fine motor milestones are delayed. Between pathways, motor milestones may be normal while social-adaptive and cognitive milestones are delayed. Some cognitive skills may develop at expected times while others are delayed or absent.

ASSOCIATED FEATURES

Intelligence

About 40-60 percent of children with this disorder have a measured IQ below 50; about 20 percent between 50-70; and 20-30 percent of 70 or more. Autistic children show extreme variability in intellectual functioning; they are often untestable on verbal tasks. When testable, performance is worst on tasks demanding symbolic or abstract thought and sequential logic. However, tasks requiring manipulative skills, visual-spatial skills, or immediate memory may be performed well.

Prevalence

Reported prevalence figures range from 4-5 cases per 10,000. This disorder is approximately four times more common in males. The prevalence is fifty times as great in siblings of children with the disorder than in the general population.

Predisposing Factors

Maternal rubella (especially when associated with infantile deafness or blindness), phenylketonuria (PKU), encephalitis, meningitis, and tuberous sclerosis are among the predisposing factors.

The relationship of this category to schizophrenia is controversial. Some believe that infantile autism is the earliest form of schizophrenia, whereas others believe that they are two distinct conditions. However, there is apparently no increased incidence of schizophrenia in the families of children with infantile autism, which supports the hypothesis that the two disorders are unrelated.*

Family Factors

Recent studies have revealed no correlation between autism and parent psychopathology. In the past, certain familial interpersonal factors were thought to contribute to the development of this syndrome, but current research does not support this view.

SCREENING, IDENTIFICATION, PLACEMENT

Children and youth shall be identified according to the preceding definition of autism. *In addition to the requirements of K.A.R. 91-12-40, the following criteria shall be met if a child is to be identified as autistic:*

- *(A) Onset of autistic characteristics before 30 months of age;*
- *(B) pervasive lack of responsiveness to other people and to the environment;*
- *(C) gross deficits in speech and language development; and*
- *(D) absence of delusions, hallucinations, loosening of associations, and incoherence as are typical in schizophrenia* (K.A.R. 91-12-56(b)(1)).

Any local education agency may identify a child as austistic even though the child currently is not exhibiting all of the characteristics of autism, if the child once exhibited all the characteristics of autism, and currently is unable to benefit from education without special education and related services (K.A.R. 91-12-56(b)(2)).

Information on appropriate assessment instruments may be obtained from the Special Education Administration Section.

PROGRAM PURPOSE

The purpose of programs for students with autism is to provide the most appropriate learning environment possible. Programming should be provided which enables the student to become as independent as possible while actualizing individual potential.

CURRICULUM

At present the best method for deciding what to teach rests on a careful analysis of the students' present competencies, using for a guide developmental levels, social values, and a judgment of what is important to the students. Functionally these students' learning characteristics may be similar to other categorical areas. Therefore there will be many varied curricula for students with autism. The following components should be considered when developing curricula for autistic students:

1. Communication/language skills
2. Inappropriate behaviors
3. Social development
4. Self-help/daily living skills
5. Pre-vocational/vocational skills
6. Reading and number concepts

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* American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, (Third Ed.), pg. 87.

The program should be sequential and highly structured, carefully controlling environmental stimuli. Instructional objectives should be included to maintain learned skills as well as to develop transfer or generalization of skills. Opportunities for working in groups and interacting with less handicapped or non-handicapped students should be made available.

ADMINISTRATIVE STRUCTURE

Special education services and placement for autistic students shall be based on an individualized education program. The individual needs, as outlined in the IEP, shall determine in which program the student will be served. Therefore, students may be served in a variety of categorical programs, such as SMH, TMR, LD, or PSA. They may be served in a program specifically for autistic students; however, this is not required.

Homebound instruction shall not be used for autistic students, without prior approval by the special education administration section (K.A.R. 91-12-56(c)(2)).

SUPPORT SERVICES

Support services will be determined based on individual needs. Common appropriate support services for students with autism include the following, but are not limited to those listed:

1. Speech and language therapy
2. Behavior management
3. Pre-vocational/vocational
4. Adaptive physical education

CASELOAD

Autistic students may be served in a variety of categorical programs. Traditionally autistic students have required much individualized instruction. Therefore, an additional paraprofessional shall be employed when placing these students in other categorical programs.

If any local education agency establishes a separate classroom for autistic children, the class size ratio shall be as prescribed in table VII (K.A.R. 91-12-56(d)(2)).

TABLE VII

Class Size for Special Classes for Autistic Students

Number of Students	*Teacher*	*Paraprofessionals*
1	*1*	*0*
2 - 3	*1*	*1*
4 - 6	*1*	*2*

Each approved special education teacher in a categorical program for autistic students — public, private, or institution — shall have a maximum of six students assigned to him/her. *Teachers assigned to autistic classrooms shall be approved on the basis of a special education endorsement most appropriate to the childrens' functional and chronological age levels* (K.A.R. 91-12-56(e)).

SEVERELY MULTIPLY HANDICAPPED/DEAF-BLIND

DEFINITION

'Severely multiply handicapped' means severe to profound functional retardation in conjunction with severe sensory disabilities, motor disabilities, severe emotional disturbance, chronic health conditions, or severe communication disorders (K.A.R. 91-12-22(nn)).

The following characteristics are frequently associated with this low incidence population:

1. Severe motor involvement.
2. Absence of feeding, dressing, grooming, and/or toileting skills.
3. Failure to imitate simple actions of others, follow simple directions, communicate, guard against common dangers, or interact appropriately with the physical or social environment.
4. Stereotype and/or self-injurious behaviors.

These characteristics prohibit or severely limit successful progress in a special program designed to accommodate a single major handicap. *Children shall not be placed in an educational program for severely multiply handicapped on the basis of their one, most severe, disability, but on their unique learning characteristics and instructional needs* (K.A.R 91-12-57(a)).

Children and youth who are deaf-blind have auditory and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot properly be accommodated in special education programs solely for the hearing handicapped or for the visually handicapped. Although the deaf-blind have many of the same learning characteristics and needs as the severely multiply handicapped, they may not always be functioning at a severe or profound range of retardation.

Although the deaf-blind are now included in the definition of severely multiply handicapped, they have previously been treated as a separate exceptional grouping because of Federal funding patterns providing certain regional and State services specifically for children and youth whose severe multiple handicaps include deafness and blindness. These funds accelerated program development in the area of deaf-blind and provided many services.

PROGRAM PURPOSE

The purpose of the severely multiply handicapped program is to provide severely multiply handicapped children and youth with self-help, motor, communication, social, preacademic, prevocational, and vocational skills which enable them to become as independent as possible. To achieve this purpose, the program has identified the following objectives:

1. To encourage positive behavioral changes in the following areas:
    a. Socialization,

   b. Daily living skills,
   c. Motor development,
   d. Perceptual abilities,
   e. Communication,
   f. Academic performance, and
   g. Prevocational and vocational skills.
2. To promote the development of residual sensory and motor abilities.
3. To assist parents in understanding the need for program carry-over outside of class, thus involving parents in home training and other such activities.
4. To develop within the student the skills and resources to maximize his/her level of functioning, facilitating placement in progressively less restrictive environments.
5. To enhance generalization of skills across situations and people.

SCREENING AND IDENTIFICATION

Screening

Many severely multiply handicapped children and youth cannot be accurately assessed by traditional evaluation and testing techniques. Sometimes one impairment, such as cerebral palsy, deafness, or blindness, may be so dominant that other disabilities are difficult to assess and are ignored or undetermined. The following procedures for assessing severely multiply handicapped students supplement the ones enumerated in the SCREENING, EVALUATION, PLACEMENT, AND REVIEW PROCEDURES section.

A multidisciplinary team shall conduct a systematic in-depth appraisal of each student, including the following assessments:

1. Screening tests to determine any loss of hearing and vision,
2. Tests which measure gross- and fine-motor development,
3. Scales of social development,
4. Assessment of receptive and expressive language development,
5. A behavioral assessment, and
6. Appropriate adaptive developmental scales.

In addition to the requirements of K.A.R. 91-12-40, additional specialized assessments, such as, tests by medical personnel, physical or occupational therapists, or ophthalmologists, shall be sought to assist in the educational program planning as necessary. A multidisciplinary team shall conduct a systematic, in-depth appraisal of each child to assure that one dominant impairment, such as cerebral palsy, deafness or blindness, does not prevent the identification and assessment of other disabilities (K.A.R. 91-12-57(b)).

When necessary, additional specialized assessments (for example, tests by medical personnel, physical or occupational therapists, or ophthalmologists) shall be sought to assist in the educational program planning.

Identification

Children and youth shall be identified in strict accordance with the definition of severely multiply handicapped/deaf-blind. Students shall not be placed for educational purposes on the basis of their one most severe disability, but on their unique learning characteristics and instructional needs. After the student has been in the program for a period of time and additional diagnostic assessments conclude that the student can profit from an alternative placement, he/she should be moved to that program as soon as possible.

CURRICULUM

Even though the children and youth in a severely multiply handicapped program demonstrate severe/profound functional retardation, this particular handicap may not be the primary target for educational programming. The severe/profound functional retardation could be a function of some other major handicap(s) which should be the focus for educational activities. *Educational programs for severely multiply handicapped or deaf-blind children shall give special consideration to teaching basic self-help and survival training, and motor, social, communication, preacademic and prevocational and vocational training* (K.A.R. 91-12-57(c)). The program should be highly structured and the environmental stimuli carefully controlled. The curriculum should include instructional appraisal, a sequence of instruction, and continuous systematic evaluation of student progress.

The sequence of instruction shall emphasize experiences that are arranged in a clear and logical order, and these experiences shall be based upon the readiness level of the student. Educational tasks must be broken down into small manageable steps. In establishing instructional objectives, the following shall be taken into consideration:

1. Prerequisite skills;
2. Task analysis;
3. Educational materials and equipment;
4. A schedule designed to keep motivation and response rate at an optimal level;
5. A data feedback system for accurately charting progress;
6. Procedures of instruction, such as presentation of materials, reinforcement, and prompts; and
7. Provision for transfer, generalization, or recycling through alternate instructional objectives.

ADMINISTRATIVE STRUCTURES

Instructional Services

Several models may be used in planning for programs in the local education agencies. These models are as follows:

1. Self-contained classroom,
2. Team-teaching programs (the skills and competencies of teachers and paraprofessionals should complement each other), and
3. Home or hospital instruction (long or short-term service will depend upon the student's physical needs).

(For descriptions of these models, see LEAST RESTRICTIVE ALTERNATIVES section.) The model selected should depend upon the student to be served as well as the goals and objectives of his/her educational program. In many circumstances, more than one model may be desirable to provide optimal educational services.

RELATED SERVICES

Severely multiply handicapped children and youth constitute a low incidence population, which, because of multiple and complex handicapping conditions, require specific, comprehensive programming. Many of these students have multiple needs requiring additional services which are integrated into the total classroom program. If the individualized education program of the student determines unique needs, these shall be met by one or more related services. These services shall be provided on a consultative and/or direct service basis depending on each student's educational needs. In addition, these students may need barrier-free facilities, adapted transportation, and specialized instructional equipment and supplies.

PRESCHOOL PROGRAMS

The early identification, diagnosis, and treatment of severely multiply handicapped children is essential for full development. Studies have shown significant gains for children with preschool experience over those children whose formal training was delayed. It is strongly recommended that infant and preschool programs for severely multiply handicapped children be established. Local day care centers could be considered as a possible delivery system for such programs.

STATE AND FEDERAL RESOURCES

A statewide Deaf-Blind Advisory Committee, appointed by the Director of the Special Education Administration Section, is available to provide assistance in areas, such as program development for those severely multiply handicapped students who are also deaf-blind. Specific funds for deaf-blind programs are received through grants from the Mountain Plains Regional Center for Services to Deaf-Blind Children, in Denver, Colorado, under P.L. 91-230 Title VI, Part C - Centers and Services, and K.S.A. 72-853.

CLASS SIZE AND CASELOAD

Each severely multiply handicapped program shall have at least one full-time approved special education teacher. Each approved special education teacher in a program — public, private, or institution — shall have a maximum of eight students assigned to her/him. Student/teacher ratios shall be as follows (K.A.R. 91-12-57(c)):

Number(s) of Students	Teacher	Paraprofessionals
1	1	0
2-4	1	1
5-8	1	2

The number of paraprofessionals in each program should depend upon the handicapping conditions of the students and their special educational needs. There shall be no more than three full-time or three part-time paraprofessionals assigned to each professional without special approval from the Special Education Administration Section, Kansas State Department of Education.

SPECIFIC LEARNING DISABILITIES

DEFINITION

K.A.R. 91-12-22(tt) defines specific learning disability *as a disorder in the ability to learn effectively in respect to one's own potential when presented with an appropriate regular instructional environment. The inability to learn effectively is manifested as a disorder in an individual's ability to receive, organize, or express information relevant to school functioning, and is demonstrated by a significant discrepancy between an individual's general intellectual functioning and achievement in one or more of the following areas: Preacademic skills, oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, and mathematics reasoning. Learning disabilities do not include learning problems which are due primarily to vision, hearing, or motor impairments; mental retardation; emotional disturbance; environmental, cultural, or economic disadvantage; or a history of an inconsistent education program.*

PROGRAM PURPOSE

The purpose of the learning disabilities program is to provide a learning environment in which learning disabled children and youth can maximize their educational experience. The emphasis is not only on academic achievement and improvement of specific functions, but also on developing social maturity; communication skills; independent, self-support skills; and other compensatory skills.

SCREENING AND IDENTIFICATION

Screening

Each local education agency is required to implement procedures to identify those children who may need special education services. For students who are suspected of having a specific learning disability the initial review shall, at a minimum, include screening of the following:

1. Educational history, including present academic status,
2. Hearing and vision,
3. Language and speech,
4. Motor functioning,
5. Social functioning/behavioral status,
6. Health/medical history and physical status, and
7. Environmental/cultural status.

If the results of any area screened indicate the need for a more in-depth evaluation, the comprehensive evaluation is completed prior to determining the student's eligibility for special education. Documentation that the child has been presented with appropriate learning experiences and has failed to learn in that environment (as required by K.A.R. 91-12-40(c)) is to be completed prior to initiation of the comprehensive evaluation. This may be carried out by a regular education preassessment committee or a combination committee of both regular education and special education personnel.

Identification

All comprehensive evaluation requirements outlined in K.A.R. 91-12-40(d) are followed when a child is being considered for learning disability identification. In addition, K.A.R. 91-12-58 delineates further areas of consideration for identifying the learning disabled as follows:

1. Where a learning disability is suspected, an approved learning disabilities teacher is included on the multidisciplinary team. In addition, the student's regular teacher or a regular teacher qualified to teach a student of that age is included on the evaluation team.
2. Intellectual functioning must be not more than two standard deviations below the mean as measured by an instrument recognized as a valid measure of individual intellectual functioning. A total or full-scale score is used in applying the intellectual criterion. In cases where measured intellectual functioning does not meet this criterion, but the results are suspect and the pupil's level of intellectual functioning is believed to be within the stated criterion, the individual responsible for assessing intellectual functioning will state in writing the specific data which support that supposition. Slow learning students whose ability level ranges between 70-85 IQ and who are working commensurate with their ability level are not considered for identification as learning disabled.
3. The child must exhibit a significant discrepancy between measured achievement and intellectual ability in one or more of the following areas:
    - a. Preacademic skills,
    - b. Oral expression,
    - c. Listening comprehension,
    - d. Written expression,
    - e. Basic reading skill,
    - f. Reading comprehension,
    - g. Mathematics calculation, and
    - h. Mathematics reasoning.
4. The significant discrepancy between achievement and intellectual functioning must not be primarily attributable to emotional disabilities; mental retardation; vision, hearing, or motor impairments; environmental disadvantage; cultural difference; or a history of an inconsistent educational program.
5. The child's academic performance in the regular classroom is to be observed by at least one multi-disciplinary team member other than his/her regular teacher. In the case of a preschool age or out-of-school child, the observation is made in an age-appropriate environment. Relevant observation of the pupil's behavior and learning are recorded. The individual responsible for the observation must be someone who is trained to use observation as a diagnostic procedure.

All results of the screening and identification process, including determination of the significant discrepancy, should be considered before the student is identified as learning disabled.

Significant Discrepancy Criteria

The criteria for determining the existence of a significant discrepancy between intellectual ability and measured achievement is outlined in K.A.R. 91-12-58(a)(5).

A systematic method which includes use of a standard score comparison must be used. The achievement and intellectual functioning scores are converted to the same standard score scale so they can be directly compared. It should be remembered that children who show a significant discrepancy between current achievement and intellectual functioning but who have had a history of an inconsistent education program, environmental, cultural, or economic disadvantage, or learning problems which are due primarily to vision, hearing or motor impairments, or to mental retardation or emotional disturbance (K.A.R. 91-12-22(uu)) should not be identified as learning disabled.

Two acceptable methods for establishing that a discrepancy exists have been adopted through K.A.R. 91-12-58(a)(5)(A)(B). *For children in the fourth grade and above, the achievement discrepancy between predicted and actual achievement, considering regression towards the mean formula, shall be used....If the technical data necessary to account for the effects of regression are not available, the aptitude-achievement discrepancy model shall be used. For children in the third grade and below, the aptitude-achievement discrepancy model shall be used.*

Regression Method
(For Fourth Grade and Above)

If the discrepancy is greater than 1.751 times the standard deviation of the differences, a significant achievement discrepancy exists.

Aptitude-Achievement Discrepancy Method
(For Third Grade and Below)

The aptitude-achievement discrepancy method, requires that there be at least 15 standard score points difference between aptitude and achievement before a discrepancy can be considered to exist. In those cases where the aptitude-achievement discrepancy method must be used above the third grade the following differences shall be used:

Grades	Standard Score Point Difference
4-6	17
7-8	19
9-12	21

K.A.R. 91-12-58(a)(7) indicates that *in cases where significant discrepancy criteria have not been met, but the multidisciplinary team believes there is a significant discrepancy, the team shall state, in writing, the assessment procedures used, the assessment results, the criteria applied to judge the importance of any difference between expected and current achievement, and its reasons for believing that a severe discrepancy is present that is not correctable without the provision of special education.*

Cautions

The above severe discrepancy models must be used with caution in evaluating children who are from minority groups and/or are in third grade or below, due to the unrealiability of achievement tests with this population. For further discussion of the significant discrepancy criteria, procedures for calculating the formulas, and indepth discussion of cautions, see Kansas Guidelines for Identifying Children and Youth with Specific Learning Disabilities.

MULTIDISCIPLINARY TEAM REPORT

As prescribed in K.A.R. 91-12-58(a)(8), *the multidisciplinary team shall prepare a written report of the results of each evaluation which shall include the following:*

(A) Whether the child has been provided with learning experiences in an environment which is appropriate for the child's age and ability levels, and that the child has failed to learn in that environment;

(B) *whether the child has a specific learning disability as evidenced by a significant discrepancy between achievement and ability which is not correctable without special education and related services;*

(C) *the relevant behavior noted during the observation of the child;*

(D) *the relationship of that behavior to the child's academic functioning;*

(E) *the determination of the team concerning the effects of environmental, cultural, or economic disadvantage; and*

(F) *any educationally-relevant medical findings.* A neurological and/or medical examination is not required for identification as learning disabled. However, the evaluation team may deem a medical examination critical as part of the comprehensive evaluation of the student.

In *(B)* above, the discrepancy formula used and the results of the discrepancy calculations should be noted.

K.A.R. 91-12-58(a)(8)(G) states that *each evaluation team member shall certify, in writing, whether the report reflects that member's conclusions. If it does not, the team member shall submit a separate statement presenting the member's conclusions. This statement shall be included in the team report.*

SPECIAL CONSIDERATIONS

The degree of the achievement-intellectual functioning discrepancy may decrease as a pupil receives special education, progresses academically, and maintains that progress. Consideration of these factors needs to be used to determine a pupil's movement along the continuum of special and regular education options and in targeting appropriate transfer from a special education instructional program. A pupil who attains an achievement level commensurate with the expected performance, given current grade level placement and intellectual functioning, and is able to maintain satisfactory educational performance in the regular classroom program shall be transferred from the special education instructional program. A trial placement in the regular classroom program of not more than one semester, without the provision of direct instruction from the special education teacher, should be provided a pupil prior to transfer from the special education instructional program.

The specialized instruction required for learning disabled students may be of value to other students, but the population to be served with special education funds does not include students with learning problems which are the result of poor instruction or economic or cultural deprivation, unless these students also have been identified as specific learning disabled.

Guidelines for identifying students suspected of having a specific learning disability are available from the Kansas State Department of Education, Special Education Administration Section.

CURRICULUM

The curriculum of learning disability programs is, in general, the same as that in the regular classroom. However, supplementary materials and specific methods and techniques are used to help the learning disabled student take advantage of his/her learning strengths and overcome his/her learning weaknesses.

In providing educational programs for students with learning disabilities, an important consideration is the range of variability. Individualized instruction based on diagnostic-prescriptive techniques is essential. A variety of instructional materials and equipment must be available to allow the teacher to adjust activities to the needs of the student.

In addition to academic goals, the IEP should address social relationships, positive attitudes toward learning, and skills which will allow the student to take part successfully in activities outside the classroom. An example might be the development of good motor coordination where skills in walking, dancing, or ball playing will enhance self-concept and acceptance by his/her peers. Responsibility for the supplementary activities may be assigned to persons other than the learning disability teacher. For example, in meeting the motor coordination needs of the student, the assistance of the physical education teacher may be required. This involves team effort and staff cooperation.

Secondary Level Programs

There must be continuity in the learning disabilities program from elementary to junior high to the high school level. One level shall build toward the next. At the secondary level, however, it may be necessary to change the structure of the learning disability program to meet the needs of the individual student. The following instructional program components should be considered for an appropriate curriculum. They are not exclusive to the learning disabilities area, nor are any of them a total program in themselves.

1. Functional competencies/survival skills.
   This approach is aimed at equipping students to function independently outside of the school setting and to meet the societal demands of day-to-day living. This would include such basic skills as check writing, basic English (reading signs and simple directions), filling out forms, reading want ads, balancing checkbook, etc.
2. Compensatory skills/by-pass method using media.
   Emphasis is on altering the presentation of content to accommodate the individual learning styles of the student. When traditional methods have proven ineffective, textbooks may be taped, essay tests redesigned, and alternate ways of study and test-taking provided.
3. Basic skills instruction.
   Basic skills instruction is designed to increase student performance in the various areas of language arts and math skills.
4. Job related skills/vocational education and career education.
   Instruction in this area shall combine knowledge of and performance in career exploration and specific job entry skills.
5. Learning strategies/coping skills.
   This component is designed to equip students with techniques, principles, or rules which facilitate their ability to acquire, work with, integrate, remember, and recall information. These strategies are content-free and are designed to aid the student in meeting school and life demands.

Vocational and/or career education goals of the IEP will need to be carried out by personnel trained in those areas. Programming for junior high school students closely parallels that of the senior high level. Although adjustments may be needed to adapt the secondary program components to the junior high school age student, the departmentalized program of the junior high requires the same type of system changes and recognition of social and psychological problems as at the senior high level. The vocational component would be replaced by a prevocational type of program at this level.

ADMINISTRATIVE STRUCTURES

In the learning disability area, variations in program structure are encouraged in order that districts may implement programs which are adjusted to the learner and to local needs. The student should be able to move in either direction — to more intensive or less intensive services as needed. (See LEAST RESTRICTIVE ENVIRONMENT section.) Requirements specific to the learning disabilities program area are given below.

Consulting Teacher

At the level of least intensive services, the consulting teacher may serve students and their teachers on a non-categorical basis. Prior to implementation of this administrative structure, approval must be obtained from the Special Education Administration Section.

As the student is able to function more independently. or as the regular classroom teacher becomes proficient in meeting the student's needs, the learning disability teacher will withdraw from the contract. The student's name should be placed on an inactive caseload list at that time, but the learning disability teacher will continue to check on his/her progress at regular intervals until it has been documented that the student is progressing satisfactorily. If further problems develop, the student will be returned to the active caseload.

Developmental Classroom

The developmental classroom is a variation of the self-contained classroom. It is designed for children who appear to have moderate to severe learning deficits, but the objective is to prevent, or at least lessen, the learning problem by initiating a program at the kindergarten or first grade level before the child begins to suffer from failure.

Generally, the developmental classroom is ungraded. The children move through the class at the rate at which they can succeed. At any time, as they are able, they may enter the program in the regular classroom. It is to be expected that some children will require four years to complete the three-year primary program.

CLASS SIZE AND CASELOAD

Maximum numbers of students to be served are established to assist schools in maintaining quality control of programs and to ensure cost-effectiveness. However, it is essential that districts/cooperatives carefully evaluate the number of students in each program on an individual program basis. The following should be considered as requiring a lower student-teacher ratio.

1. Programs serving several students who are severely handicapped or who have serious behavior problems.
2. Programs in a school where socio-economic conditions increase student and family problems.

Class size and caseload limitations for learning disability programs are given in K.A.R. 91-12-58(b) as follows:

Table IX

Program Level	*Administrative Plan*	*Maximum Caseload*
All Levels	*Itinerant Teacher* *Shall not be assigned to more than 5 attendance centers*	*18* *Increase to 24 (2 for each paraprofessional up to 3 paraprofessionals)*
	Resource Room	*18* *No more than 10 at one time.* *Increase to 22 (2 per each paraprofessional up to 2 paraprofessionals)*

Self-Contained	*10* *Increase to 14 (2 per each paraprofessional up to 2 paraprofessionals)*
Developmental Classroom	*10* *Same as self-contained*

Consulting Teacher Plan

Caseload for this type of program is not applicable. No more than one-third of the teaching time is to be scheduled with students. Approval of consulting teacher programs is on an individual basis.

Itinerant Teacher Plan

Where learning disability teachers are assigned to schools separated by considerable distance or if students other than mildly handicapped are served, it is strongly recommended that assignments should be limited to no more than three attendance centers.

When a paraprofessional is employed to work in an itinerant program, he/she *may work with an exceptional child when the professional is not in the building only if the professional works directly with both that child and that paraprofessional at least twice a week* (K.A.R. 91-12-61(b)(4)).

Resource Room Model

Age span of students in the resource room at any one time should not exceed four years.

Self-Contained Classroom Model

The maximum class size for self-contained programs for learning disabled students at all levels is ten. The chronological age span of the students should not exceed four years. Due to the severity of the handicaps of children assigned to these programs and to their needs for much smaller group or individual work, it is recommended that schools provide paraprofessional assistance to self-contained special classrooms and that careful consideration be given to the needs of the students before additional students are assigned. If appropriate, two additional students may be added to the caseload for each full-time paraprofessional assigned to the program, to a maximum of four additional students.

Developmental Classroom Model

The same maximum caseload, age span, etc. as described for the self-contained special classroom apply to the developmental classroom.

VISUALLY IMPAIRED

DEFINITION

'Visual impairment' means limited vision that interferes with educational or developmental progress, or both.

(1) 'Partially seeing' means a visual limitation which constitutes an educational handicap but does not prevent the use of print as the primary educational medium.

(2) 'Blind' means a visual limitation which requires dependence on tactile and auditory media for learning (K.A.R 91-12-22(vv)).

Legal Blindness is a descriptive term applying to the blind and to certain partially seeing. It is used solely for the purpose of qualifying the State for certain amounts of Federal funds for each student so identified.

PROGRAM PURPOSE

Visually handicapped children and youth are more like than unlike their sighted peers. A sighted student relies on his/her sense of vision for much stimulus and acquisition of knowledge regarding his/her environment. A visually impaired student must learn with his/her remaining senses. It has been shown that most visually impaired children and youth can compete and achieve in regular school activities if given appropriate understanding, support, and assistance. Therefore, emphasis should be placed on the integration of these students into the general school population.

SCREENING AND IDENTIFICATION

Medical History

Many partially seeing and blind children are identified at an early age by specialists, family physicians, public health or school nurses, or health and welfare agencies through routine examinations and/or surveys. Local education agencies should be alert to the possibility that children entering into their schools for the first time may have an identified vision impairment and should carefully study all medical histories.

Vision Screening

Children and youth with unrecognized and uncorrected visual impairments may be identified initially through the Kansas compulsory vision screening program and follow-up. Statutes which mandate vision screening are as follows:

> *K.S.A. 72-5205. Each school board shall provide basic vision screening without charge to every pupil in its school not less than once every two years. All such tests shall be performed by a teacher or some other person designated by the school board. The results of the test and, if necessary, the desirability of examination by a qualified physician or optometrist shall be reported to the parents or guardians of such pupils. Provided, That the information so reported shall not show preference in favor of any such professional person.*

> *K.S.A. 72-5204(c). Basic vision screening means an eye testing program for each child based on a chart which is graduated as to size of symbols or the so-called Snellen Test, or any other system or method of testing equal thereto or better in the judgment of the school board.*
>
> *K.S.A. 72-5206. The requirements of this act shall not apply to a child who has had a basic vision screening examination within six months prior thereto.*

It is not advisable to have a physician or eye specialist conduct the basic vision screening, since parents and school patrons may confuse this screening procedure with the more comprehensive eye examinations performed in the specialist's office.

Observation

Basic vision screening does not identify all students who need eye care or who require a careful evaluation. Therefore, those who display any of the following behaviors should be considered for evaluation:

1. Signs of visual discomfort, eye disease, or unusual appearance or positioning of the eyes;
2. Difficulty in performing academic tasks requiring visual activity;
3. Unusual behavior or adjustment problems;
4. Uncertain movement in familiar surroundings; and
5. Unusual positioning of the head.

Referral for Eye Examination

When school personnel have determined, through screening and/or observation, that a student is suspected of having an educationally significant vision loss, parents shall be so informed. Parents shall be counseled with and encouraged to obtain an eye examination by an eye specialist. If the parents fail to obtain the needed examination, the local education agency may then apply to a court of competent jurisdiction for an order directing such an action. To this end, records of all contacts and consultations with parents shall be maintained. Any recommended treatment/correction resulting from the eye examination shall be completed prior to consideration of educational intervention. *In addition to the requirements of K.A.R. 91-12-40, when visual impairment is the suspected disability, the child's parent shall provide any recommended treatment or correction or both resulting from an eye examination by an eye specialist prior to the comprehensive evaluation* (K.A.R. 91-12-59(a)).

MANDATORY REPORTING TO SPECIAL EDUCATION SECTION

Mandatory state reporting. All legally blind children age birth to 21 years shall be reported, as soon as identified, to the special education administration section (K.A.R. 91-12-59(e)). All public officials having official duties with respect to visually impaired persons shall cooperate in obtaining a full report of information. The Special Education Administration Section shall maintain a central file of pertinent information concerning blind and visually impaired children and youth.

The Special Education Administration Section, Kansas State Department of Education, is responsible for all special education programming for visually handicapped students, zero to twenty-one years of age, and shall coordinate (1) all State resources to eliminate unnecessary duplication, (2) professionally developed program standards, and (3) provision of educational intervention at the earliest possible age.

CURRICULUM

The curriculum of an effective program for the visually impaired shall be adapted from the general educational program to meet the individual needs of the visually impaired student. The required adaptations shall be based upon the student's developmental functioning level and readiness for learning. The specific objectives of the program shall be performance-based and prescriptive in nature. The instructional methods and procedures for the visually impaired shall stress the following:

1. Individualization,
2. Concreteness,
3. Unified instruction,
4. Additional stimulation, and
5. Self-activity.

Teachers of visually impaired students shall be conscious of the need for clarity and concreteness in verbal and written directions, choosing multisensory illustrations and devising experiencial learning situations whenever appropriate.

The special teacher's aim shall be to provide instruction to supplement or augment that available in the regular class. Emphasis shall be given to the chief modality through which the student learns and to strengthening the weaker modality. The visually impaired student shall be led to develop the ability to evaluate himself/herself in terms of both his/her assets and his/her impairments. He/she shall be motivated to develop the ability to assume his/her full share of responsibility for his/her total education without excessive dependence on others.

A thorough, meaningful orientation to his/her environment and independent mobility skills are essential for a visually impaired student to develop self-confidence, to travel safely and independently, and to profit maximally from his/her educational experiences. *The curriculum of programs for the visually impaired children shall meet each child's needs in the areas of orientation and mobility* (K.A.R. 91-12-59(b)).

ADMINISTRATIVE STRUCTURES

Public School Programs

Administrative plans appropriate to the education of visually impaired students are as follows: the self-contained classroom, the resource room, the itinerant teacher plan, consultative services for the regular classroom teacher, special instructional materials and/or equipment only, integrated special classrooms, and special day schools. The plan selected shall meet the individual needs of the student. (See LEAST RESTRICTIVE ENVIRONMENT section.)

In most attendance centers the number of visually impaired children and youth to be served will be small enough to require the services of a resource teacher for only part of a day. The specialist, then, may function as an itinerant and consulting teacher for other visually impaired students in the area. This specialist may also be a sight conservationist who initiates vision screening or interprets the results and makes appropriate referrals. A vision teacher may serve in one school district or in a special education cooperative program. Care shall be exercised to avoid over-extending the special teacher.

Preschool Programs

In meeting the needs of preschool multihandicapped children with visual impairments, schools shall plan with the Special Education Administration Section to establish individually designed supportive services. Many visually impaired children will require such services in their home communities in order that they may be ready for appropriate educational situations. While educational services are not mandated for preschool children, it is strongly recommended that early intervention programs be provided whenever possible, including parent counseling.

Residential Program

Supervision: The administrative structure and operation of the Kansas State School for the Visually Handicapped shall be subject to direct approval by the State Board of Education. The education program of the Kansas State School for the Visually Handicapped shall be monitored and supervised by the Special Education Administration Section of the Kansas State Department of Education through the Commissioner of Education, including program approval, curriculum development, and certification of teachers.

Program Emphasis: The program emphasis at the Kansas State School for the Visually Handicapped shall be to specialize in providing services for visually handicapped children in the following circumstances:

1. Children and youth who live in districts which, due to widely spread territory, fail to provide the constant services designated in the IEP.
2. Children and youth who, according to recommendations of their IEP's, need short-term intensive instruction in one or more subject(s).
3. Children and youth who, in addition to the visual handicap, have compounding, handicapping conditions to the extent that they cannot adequately function in a public school program. These students may include the trainable mentally retarded visually impaired and, in certain instances, severely multihandicapped/deaf-blind, according to the goals and functional level indicated in the IEP's.
4. Students recommended by the local placement team for Kansas State School for the Visually Handicapped vocational training.

Staff development and/or technical assistance shall be provided to local education agencies upon request and to the extent availability of personnel and resources allow.

Both visually impaired and the multihandicapped visually impaired students between the ages of five and twenty-one years may be admitted to the State school. Placement of a student in the State School for the Visually Handicapped shall be made only after the local district and the parents have exhausted other appropriate placement options locally. When the original comprehensive evaluation and staffing are to be conducted by the local school district/cooperative and the State School for the Visually Handicapped is an alternative placement for the child, a representative from the State school shall be included in the staffing.

Students enrolled at the State School for the Visually Handicapped shall have access to the education programs in the local school districts near the location of the school on either a part-time or full-time basis. (See STATE INSTITUTIONS and STATE SCHOOLS section.)

SUPPORT SERVICES

Paraprofessionals and/or volunteers can enhance the educational program and free the certificated personnel from routine and non-instructional tasks. Typical tasks for volunteers and paraprofessionals in a vision program include taping and/or brailling materials, preparing worksheets and other non-commercial materials, completing clerical tasks, reading to or listening to an individual student or small group, and preparing bulletin boards. (See PARAPROFESSIONALS IN SPECIAL EDUCATION section.)

FACILITIES

Facilities used for the instruction of visually impaired children shall meet the specification of K.A.R. 91-12-59(c) which include the following:

(1) Space shall be allowed to accommodate braille and large print materials; and
(2) correct illumination shall be provided.

STATE AND FEDERAL RESOURCES

A Federal act to promote the education of the visually impaired provides a limited amount of funds to each state to aid in the distribution of textbooks and educational materials to legally blind students in public and private nonprofit schools. In Kansas, these books in large print or braille, maps, and disc and tape recordings may be borrowed for use during the school year through Wichita Regional Library for Visually Impaired and Blind. Also available are special tangible apparatus, such as braille writers, book racks, magnification devices, tape recorders, and abaci.

School administrators should request equipment, materials, and textbooks for visually impaired students in advance of the time they will be needed. Requests for books must be made by title and copyright date. The Wichita Regional Library will attempt to secure adopted and supplemental texts, library books, and enrichment materials which are required in the schools. When needed materials are unavailable at the Wichita Regional Library, these materials shall be obtained through the American Printing House for the Blind, utilizing the State quota account of Federal funds.

CLASS SIZE AND CASELOAD

The class size or caseload of each teacher of the visually handicapped children shall be established from the individualized education programs of the identified students served by that teacher (K.A.R. 91-12-59(d)).

SUPPORT SERVICE AREAS

RELATED SERVICES

DEFINITION

All children and youth are entitled to a free appropriate education, including special education and related services. Related services are those services that are required to assist an exceptional child to benefit from special education. The Kansas State Department of Education recognizes for reimbursement those related services specifically listed in P.L. 94-142. *The Kansas state department of education may authorize categorical special education reimbursement for art therapy, audiology, counseling services, dance movement therapy, medical services for diagnostic or evaluation purposes, music therapy, occupational therapy, parent counseling and training, physical therapy, school psychological services, recreation, school health services, school social work services, special education administration and supervision, speech or language services, and transportation. Requests for reimbursement for any other related service shall be submitted to the special education administration section. Requests shall be approved or disapproved on an individual basis* (K.A.R. 91-12-60(a)). All related services required to assist the child or youth in the educational setting should be utilized, including interpreters for non-English speaking students during the diagnostic process; but not all related services may be necessary for each individual.

SCOPE OF SERVICE

Related services can be delivered directly to the student and/or on a consultative basis to the teacher/parent. The related services must be delivered by a qualified professional or, where permitted, by a person supervised by a qualified professional. (See PARAPROFESSIONALS in SPECIAL EDUCATION and SCREENING, EVALUATION, PLACEMENT, and REVIEW sections of this Plan.) The purpose of these related services is to assist a handicapped child or youth to benefit from the special education services provided. The student's individualized education program plan must specify the related services needed and the intensity of the provision of those services. It is necessary to consider the student's overall educational goals and objectives when decisions are made regarding what kinds of related services are needed. The services a student receives should be integrated as closely as possible into his/her total program to ensure effective educational experiences. The local education agency may use whatever sources of support are available to provide these services, including joint agreements between agencies. The scope of each related service should not extend beyond the regulatory limits defined for that service.

Local education agencies shall not be responsible for the delivery of medical treatment, but shall be responsible for the provision of medical services for diagnostic or evaluation purposes which are necessary to the educational planning and programming for each exceptional child (K.A.R. 91-12-60(b)). Schools should keep accurate medical records of the student's condition as it relates to special education. School health services —

including procedures such as clean intermittent catherization — which allow the child or youth to be maintained in the least restrictive environment are required.

Local education agencies shall be responsible for the provision of school health services, including procedures such as clean intermittent catherization, which allow any child to be maintained in the least restrictive environment (K.A.R. 91-12-60(c)). *School districts shall not be responsible for psychological, psychiatric, or social services required to treat generalized mental health problems. Psychotherapy is considered medical in nature, and its provision shall not be a responsibility of the public schools* (K.A.R. 91-12-60(d)).

RELATED SERVICES DEFINED AS SPECIAL EDUCATION

In most cases local education agencies are not held responsible for related services unless services are necessary for a child or youth to benefit from special education. For example, if a child does not need special education, that child is usually not eligible for related services. However, under Federal regulations a related service may be recognized as a special education service, at the discretion of the state, provided that the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of the child. Therefore, a related service can be treated as a special education service if a student's IEP so indicates and the team determines that the child cannot continue to function in regular education without the service.

The following related services shall be treated as a special education service if any child's individualized education program indicates that that child cannot continue to function in regular education without the service or services:

(1) *Occupational therapy, physical therapy, paraprofessionals, or transportation when needed to maintain students in regular education; and*
(2) *interpreters for any deaf child who, without this service, would have to be educated in a more restrictive environment* (K.A.R. 91-12-60(e)).

If verification of the above type of need is present and an IEP has been developed, local education agencies may count students receiving these services for Federal funds under P.L. 94-142.

The related services traditionally provided as special education (i.e., speech and language services) and those provided as supportive services (i.e., psychological and social work services) are not changed in terms of their focus or population served.

CLASS SIZE AND CASELOAD

Caseload and class size limitations for related services shall be recommended by the licensing or certifying agency which provides the related services (K.A.R. 91-12-60(f)). However, the following conditions shall be considered as criteria which require a *lowered* caseload.

1. The children and youth served have more severe handicapping conditions.
2. A wide age range or ranges of exceptionalities are served.
3. The teacher and/or student is required to travel considerable distances.
4. The teacher is required to serve in several attendance centers.

These criteria are not all-inclusive and should be used as a guide. Caseloads will vary according to the needs of the students and local district/cooperative variables.

PARAPROFESSIONALS IN SPECIAL EDUCATION

DEFINITION

To follow the intent of K.S.A. 72-962, a paraprofessional is qualified ...*to assist certificated teachers in the instruction of exceptional children*.... This individual, therefore, shall be referred to as an *instructional paraprofessional.*

The special education paraprofessional is a team member who works alongside the special education teacher. He/she not only frees the teacher from the more routine tasks of the classroom, but also serves as an effective part of the educational team. With differentiated responsibilities, he/she carries out the programs developed by the special education professionals. The scope of the definition described here and in the paraprofessional section in general focuses on the instructional paraprofessional who works with a specified teacher and is assigned to a particular classroom.

This definition also includes those paraprofessionals located in a public institution or other private facility who are providing assistance to the special education teacher in an accredited special education program. The standards for program approval shall remain the same for these settings as for the public school programs.

Paraprofessionals in Special Education Support Services

Because some special education personnel provide supportive or indirect services to exceptional students, the definition and duties of their paraprofessionals may differ from the instructional paraprofessional definitions and duties described above. Paraprofessionals may be approved in supportive services and qualify for special education reimbursement. For further, more specific role clarification of paraprofessionals in the special education support services, refer to the program area sections of SPEECH AND LANGUAGE, SCHOOL PSYCHOLOGY, SCHOOL SOCIAL WORK, and SPECIAL EDUCATION INSTRUCTIONAL MATERIALS CENTERS.

Paraprofessionals in Transporting Students

There are two instances in which a special education paraprofessional may be approved to provide assistance during the time students are being transported by bus to and from an attendance center.

1. Cases in which the student's physical needs are of a severe nature; such as a severely multiply handicapped student have choking or seizure problems that require close monitoring by an adult.
2. Cases in which the student's emotional behavioral needs are of such a severe nature that constant adult supervision is necessary.

Local education agencies are encouraged in both cases to utilize these paraprofessionals also in the special education classroom to which they are assigned. Each of the above cases is subject to individual approval from the Special Education Administration Section.

Non-Instructional Aides

The above definition does not include those individuals who are referred to as non-instructional aides and who are employed for the primary purpose of performing such duties as playground or lunchroom supervision, office clerical tasks, attendance recording, lunch and milk money collecting, or personal and hygienic care to pupils outside of the instructional program. Aides may be employed to do the tasks previously mentioned, but are not eligible for reimbursement as special education instructional paraprofessionals.

INTRODUCTORY STATEMENT

Need and Rationale

The special education paraprofessional has become an essential person in the expansion of programs for students with special needs. Exceptional children and youth require smaller classes; therefore, more personnel are needed. In addition, more and more pupils who were in institutional settings or were receiving no educational services at all are being admitted to public school programs. The paraprofessional can help overcome these obstacles and work towards the quality education that is necessary for exceptional students.

LEGAL AUTHORITY FOR PARAPROFESSIONALS IN SPECIAL EDUCATION

In 1974, the Kansas Legislature enacted the Special Education for Exceptional Children Act which gave a more precise definition and role to paraprofessionals in special education. In K.S.A. 72-962 *special teacher* means a person employed by a local education agency for special education services who is (a) a teacher qualified to instruct exceptional children as determined by standards established by the State Board and who is so certified by the State Board, or (b) a paraprofessional qualified to assist certificated teachers in the instruction of exceptional children as determined by standards established by the State Board and who is so approved by the State Board. In addition, K.S.A. 72-978 calls for reimbursement of special education paraprofessionals: *...each special teacher who is a paraprofessional as defined by K.S.A. 72-962 of this Act shall be counted as one-half full-time equivalent special teacher....* As a result of this legislation, rules and regulations for training, utilization, supervision, and approval of special education paraprofessionals shall be established to ensure the proper intent of the law.

UTILIZATION OF PARAPROFESSIONALS

In order to use a paraprofessional effectively, it is necessary that the teacher first have a clear vision of his/her own role as a teacher. He/she needs to understand the hierarchy of the instructional tasks and then decide which ones best involve his/her time and which ones should be delegated to his/her assistant. The amount and quality of professional supervision given is crucial in deciding what duties paraprofessionals can and should perform. There is almost universal agreement that the diagnosis of educational needs and the planning and design of programs and procedures to meet those needs are professional functions. The role of the paraprofessional is to provide support to the approved special education personnel in the educational program, management of students, and assistance with non-instructional tasks.

Duties and Responsibilities — General

Instructional responsibilities shall center around follow-up or reinforcement activities. Initial instruction involving the presentation of new lessons or concepts should be the responsibility of the special education teacher. The teacher shall plan cooperatively with the paraprofessional and assign implementation duties to this individual. The teacher may wish to work with individual pupils or small groups on particular learning problems while the paraprofessional helps other class members, listens to reading, or similar activities. In turn, paraprofessionals may tutor individual children or work with groups, using materials and techniques chosen or designed by the teacher. The paraprofessional should not be employed to make the teacher's job any less responsible, but to improve the quality of the education program for exceptional students.

More specific roles and responsibilities of paraprofessionals in each categorical program may be found in individual program area sections.

Unacceptable Duties and Responsibilities

K.A.R. 91-12-61(a): *No special education paraprofessional shall:*

(1) Be solely responsible for a classroom or a professional support or related service;
(2) select diagnostic and psychological instruments or interpret the results of those instruments;
(3) program or prescribe education activities or materials for the students, without the supervision and guidance of the teacher;
(4) be solely responsible for preparing lesson plans or initiating original concept instruction;
(5) be assigned to work with one or more of the most difficult students the majority of the school day merely for the convenience of the teacher;
(6) be employed in lieu of needed itinerant special education personnel;
(7) be utilized as a substitute teacher, unless the paraprofessional possesses the appropriate certificate; or
(8) give medication, unless licensed to do so.

Paraprofessionals Facilitating Least Restrictive Environment

State and Federal law speak to the provision of the least restrictive environment in programming for students in special education programs. *Any paraprofessional may be assigned to a regular classroom program where one or more special education students are being maintained, but that paraprofessional shall not be assigned duties which do not relate to the education of exceptional children* (K.A.R. 91-12-61(b)(1)).

These paraprofessionals must be assigned to and confer with the special education professional in the program the student is being mainstreamed from regarding the progress of the student in the regular class setting. The amount of time the special education paraprofessional spends in the regular classroom should depend on the number of students mainstreamed and the nature and degree of the students' handicaps.

The paraprofessional may also be utilized to maintain a physically or visually impaired student in regular class programs. In these situations the paraprofessional should spend the majority of the school day providing individual attention to the pupil, assisting him/her with physical needs and/or educational activities. The paraprofessional should be assigned to the regular class teacher(s) and the appropriate special education professional. *Each local education agency shall obtain individual approval from the special education administration section for any paraprofessional whose only assignment is to assist one or more physically or visually impaired students in a regular classroom program* (K.A.R. 91-12-61(b)(2)).

Local education agencies utilizing paraprofessionals in these specific areas shall obtain approval for each individual case from the Special Education Administration Section.

ADMINISTRATIVE PROCEDURES

No more than three paraprofessionals, whether full time or part time, shall be assigned to a single professional, unless otherwise prescribed in these rules and regulations. No paraprofessional shall be assigned to more than two professionals or more than two educational facilities (K.A.R. 91-12-61(b)(3)). In programs for severely handicapped students, where the demands of the educational program include both physical and academic educational programming, the ratio of paraprofessionals to professional staff may be increased depending upon the teacher's ability to adequately supervise and plan for the additional paraprofessionals. Increases in this ratio must be approved by the Special Education Administration Section.

In team-teaching settings, interrelated programs, or itinerant situations, the paraprofessional should have a special education professional he/she relates to for counseling, supervision, and on-the-job training.

Paraprofessionals may work with individual students, small groups, large groups, or the total classroom. There is no specified ratio of paraprofessionals to pupils. However, in settings where the children are younger and/or have serious handicaps (multiple disabilities), the ratio of paraprofessionals to students may be increased.

Class Size and Caseload

The class size and caseload in selected categorical areas can be increased with the utilization of paraprofessionals. In certain program areas, a paraprofessional(s) is required for specific numbers of children up to the maximum class size. For specific cases, review the appropriate categorical area.

Supervision of Students

Paraprofessionals may work with or supervise pupils in the classroom, playground, hall, restroom, therapy area, gymnasium, and other specified areas on campus. In some situations, teachers are permitted to leave the class with the paraprofessional, but this shall be for as short a time as possible. The teacher should remain on campus and continue to be the person responsible for the classroom and students. Off-campus activities, such as work-study placements, field trips, errands, shopping, and recreation, may be supervised by paraprofessionals if appropriate supervision, approval, and insurance coverage are provided by the local education agency.

Fiscal Policies

As stated previously, local education agencies shall be reimbursed for special education paraprofessionals at the rate of one-half (1/2) full-time equivalent special teacher. Paraprofessionals working on a volunteer basis shall not be eligible for State reimbursement. Paraprofessionals shall be employed annually or on a one-half year basis. The paraprofessional shall be counted as full-time if employed six or more hours per day, or as half-time if employed at a minimum of three hours per day. Unique situations, such as vision and hearing screening programs and infant and preschool home programs, may be eligible for reimbursement for less than three hours per day upon approval of each individual case by the Special Education Administration Section.

Job Descriptions

Paraprofessionals should have job descriptions which clearly define their duties and responsibilities in the special education program(s) to which they have been assigned as per the written contract. The job descriptions may also contain a list of unacceptable duties, terms of employment, specialized training, and qualifications.

Training

Local education agencies shall be responsible for providing training to special education paraprofessionals in areas appropriate to the setting in which they will be assigned. It is very important to assure, for reasons of legality, that duties given to paraprofessionals be commensurate with their experience and training.

Supervision and Evaluation

A paraprofessional, assigned to an itinerant professional, may work with an exceptional child when the professional is not in the building only if the professional works directly with both that child and that paraprofessional at least twice a week. If the itinerant professional is not present each day, the paraprofessional shall be assigned to, and supervised by, a designated principal or regular classroom teacher (K.A.R 91-61(b)(4)).

61(b)(4)).

Instructional paraprofessionals shall be directly supervised and evaluated by the special education personnel to whom they are assigned. Overall supervisory and evaluative responsibilities rest with the principal as they do for other school staff members. In cases where the paraprofessional is assigned to an itinerant special education staff member, that is, someone in speech or learning disabilities, and this person is not present every day, the paraprofessional shall be assigned to and supervised by the principal or a designated regular class teacher. Periodic written evaluations with resulting conferences should be a definite part of the administrative structure of the local education agency.

APPROVAL OF PARAPROFESSIONAL PROGRAMS

Program Approval

Paraprofessional programs will vary depending upon local needs, sources and amount of funding, and availability of personnel. It is strongly recommended that a local education agency plan very carefully before initiating a paraprofessional program. Such factors as recruitment, selection, placement, and training are matters for which planning needs to be done and policies established before paraprofessionals are employed. Program approval, supervision, and monitoring will be based on the following:

1. Names and assignments of paraprofessional personnel and the name of the special education professional(s) to whom the paraprofessional is assigned shall be included as part of the approval forms used by the Special Education Administration Section.
2. The paraprofessional shall be under the supervision of an approved special education professional(s).
3. Special education paraprofessionals employed full-time as of September 15 will be reimbursed at the rate of one-half the full-time teaching equivalency. Any approved personnel employed after September 15 will be reimbursed at a rate equal to the proportion of the number of complete months employed to the full school year (nine months).
4. The paraprofessional in direct education service programs shall be involved in duties and activities which relate to the role of an instructional paraprofessional.
5. School officials are encouraged to seek paraprofessional employees with at least a high school diploma. Experience and individual competency, however, should be given the highest priority. Paraprofessionals in the following program areas will require specific skills and a B.A. or B.S. degree: school psychology and school social work.

6. Individual programs with specific cases may be referred for individual approval to the Special Education Administration Section.

Individual Paraprofessional Approval

An approval process for special education paraprofessionals was approved by the Professional Teaching Standards Board in September, 1977, and passed by the State Board of Education in February, 1978. The State Board stipulated that the approval process be included as part of the Special Education Paraprofessional Section of this Plan.

Inservice Program Standards

K.A.R. 91-12-61(c) requires that: *(1) Each local education agency shall file with the special education administration section a plan for inservice training for special education instructional paraprofessionals. At the conclusion of each school year, a report shall be filed, stating the training that occurred during the school year.*

(2) The inservice training program shall include:
(A) An orientation session; and
(B) inservice training specifically related to the area and type of program in which the special education instructional paraprofessional is employed.

The inservice training should include, but not be limited to, four sessions during the school year for a total of at least 20 inservice clock hours. Sessions should include discussion of role expectations; duties and responsibilities; relationship of paraprofessionals to the total school environment; salaries and fringe benefits; and policies, rules, and regulations of the local education agency.

Participation in state or regional workshops designed for the instructional paraprofessional and other related local or state workshops can be included as part of the local education agency's inservice training program.

Standards and Requirements for Permits

Each special education instructional paraprofessional shall be required by K.A.R. 91-12-61(d) to possess one of the following permits:

(1) Paraprofessional I permit, which requires participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year. The local education agency may choose to substitute all or part of the above requirements with an equivalent amount of appropriate college coursework taken during the school year. Any paraprofessional, without prior experience as an instructional paraprofessional, shall be approved and shall receive a paraprofessional I permit after participation in a year of inservice training;
(2) paraprofessional II permit, which requires:
(A) Two years experience as an instructional paraprofessional; and
(B) completion of 30 semester college hours of approved academic work, an equivalence of 450 clock hours of approved inservice training, or a combination of each of the two totaling 450 clock hours; or
(3) paraprofessional III permit, which requires:
(A) Three years experience as an instructional paraprofessional; and
(B) completion of 60 semester college hours of approved academic work; an associate degree from an approved training program for instructional paraprofessionals; a certificate from an approved training program for instructional paraprofessionals from a vocational technical school; an equivalence of 900 clock hours of approved inservice training; or a combination of these totaling 900 clock hours.

In order to advance to a higher level, a paraprofessional shall verify successful completion of the requirements stipulated under each previous permit.

Entry Level Placement for Credentialed Personnel

The superintendent, special education director, or other designated staff may decide what level permit a credentialed person may obtain upon entry into the school system as a special education instructional paraprofessional. The experience criteria may be waived for these individuals.

Administrative Procedures

Appropriate forms (including permits) for reporting and monitoring purposes are available from the Special Education Administration Section.

SCHOOL PSYCHOLOGY

DEFINITION

School psychological services is defined by K.A.R. 91-12-22(kk) as *special services which provide consultation with other school staff to plan individual programs to meet the special needs of children as indicated by interviews, behavioral evaluations, and tests; the administration and interpretation of psychological and educational tests; the consultation with teachers and other school staff concerning child, behavior, modes of learning and the development of a positive learning climate; and psychological counseling for children and parents.*

SCOPE OF SERVICES

School psychological services shall be utilized in the total school program to develop a positive learning climate and to assist in the achievement and adjustment of all children. The early recognition of a child's unique abilities may ensure greater benefit to society as well as greater satisfaction to the individual. The early detection and resolution of social, emotional, and academic problems in the regular classroom may prevent or minimize the need for intensive services at a later time. The services of a school psychologist, therefore, should be available to all students, parents, and school staff.

School psychological services are an essential component of special education and related services, and shall be provided as a part of the special education services provided to exceptional children (K.A.R. 91-12-62(a)). As a member of the special education services team, the school psychologist will assist in screening, diagnosis, and certification of exceptional children, and will participate in the educational planning and implementation of the special services needed. Special education services shall be provided in a continuum from supportive services for a child in the regular classroom to the more intensive services of special placement if needed. The school psychologist shall be available for assistance at any point on this continuum.

Implementation of special education services for all exceptional children has placed a heavy burden on all school staff involved in screening and evaluation of exceptional children. As expanded special education services are being initiated, the responsibilities of the psychologist may be inordinately heavy in this area for a time, but the broader range of psychological services should be made available as soon as possible.

RESPONSIBILITIES

Responsibilities of the school psychologist involve several areas, including improvement of the school learning climate, assistance to staff in promoting student social and emotional growth, promotion of good school/community relations, use of various intervention techniques, individual child study, development of educational plans for children with exceptional needs, and initiation and utilization of research. Although not limited to those listed, the responsibilities of the school psychologist may include such assignments as the following:

1. Assist in the development of school system procedures for assessing learning and/or social and emotional needs and recommending appropriatre procedures for education growth.
2. Assist teachers in the development and implementation of classroom strategies for increasing classroom efficiency. This might include such things as encouraging the use of behavior management techniques, criterion referenced materials, or positive self-concept activities.
3. Assist in planning and conducting school staff inservice for awareness and understanding of exceptional children and assist regular classroom teachers to program for mildly handicapped students.
4. Assist parents through group meetings or individual psychological counseling to develop a better understanding of normal and atypical child development and behavior and more positive parent-child relationships.
5. Confer with teachers, parents, and students regarding behavioral or emotional problems. Provide individual and group therapeutic intervention when training permits.
6. Provide referral and follow-through on referral to community specialists.
7. Assist the school in the development of public awareness activities which lead to a better understanding of the needs of all children.
8. Maintain a close working relationship with all school staff at the building level to assist in the early recognition and/or prevention of educational problems as well as in the implementation and assessment of corrective programs.
9. Provide assistance to school staff in the utilization of educational research.
10. Initiate educational research as approved by the local education agency.

The responsibilities of the school psychologist relate to the education and psychological growth of all children, those in special education as well as in regular education. In addition, the school psychologist has specific responsibilities related to special education services. These include involvement in screening and evaluation of exceptional children and in the development, implementation, and review of the child's individualized education program.

The responsibilities of the local education agency in the area are discussed in detail in the SCREENING, EVALUATION, PLACEMENT, AND REVIEW PROCEDURES section. Referral to that section is necessary for a more complete discussion of the following starred (*) items.

Specific responsibilities of the school psychologist in the implementation of special education services are as follows:

1. Assist in the development and implementation of the local education agency screening program to tentatively identify children in need of special education services.
2.* Administer psychological and educational tests, conduct classroom observations and teacher and parent conferences, and assist in gathering information needed to identify and plan for the education of exceptional children. Data gathered may include information needed for preliminary planning or for comprehensive evaluation.
3.* Serve as a member of the multidisciplinary team responsible for comprehensive evaluations.
4.* Confer with parents or teachers regarding the results of special education evaluations and educational planning. This shall be done in cooperation with

other special education staff as a coordinated effort. Communications with parents should at all times be understandable to them and cognizant of their concerns.

5.* Participate in staffing conferences held after completion of a comprehensive evaluation. Assist in formulation of the written individual educational program. Possess knowledge of community and State resources, such as private schools and other agencies, which may aid in appropriate planning.

6.* Participate in building level staffings on a regular basis. Assist in the periodic short-term and annual review of the progress of special education students as needed.

7.* Provide psychological assistance to special education programs located in assigned buildings.

8.* Assist school personnel, parents, and students in the successful transition and reintegration of students returning to the local school from State institutions or other placements.

9.* Collect and compile data from comprehensive evaluations, teacher referrals, and other sources which indicate a need for additional special education services. Make this information available to the administrator of special education or other school administrator and assist where needed in the planning and development of such programs.

DIFFERENTIATED DUTIES

In local education agencies in which several school psychologists are employed, the responsibilities of the school psychologist as listed above may be differentiated to allow concentration of services. In view of the complexity of the competencies required, it may be preferable to assign the school psychologist to serve at only the elementary or secondary level, or where needs justify, to assign by specialized service area, such as diagnosis, crisis intervention, and parent counseling. When such assignments are made, a description of the type of services to be provided shall be indicated in the local education agency's comprehensive plan, and those psychologists so assigned shall be indicated on the personnel sheet accompanying the annual survey form.

SCHOOL PSYCHOLOGY INTERNS

School psychology interns, placed in a district by a training institution, may participate in those activities normally carried out by the school psychologist. However, all psychological evaluations, including testing and behavioral observations, shall be reviewed and signed by the supervising psychologist. The supervising psychologist shall be responsible for special education placement or programming decisions based upon this data. Interns, if employed by the local education agency, shall be considered paraprofessionals for reimbursement purposes (K.A.R. 91-12-62(c)).

CASELOAD

The caseload of any one school psychologist shall not exceed 1,500 children. The student to school psychologist ratio shall be lowered under the following conditions:

(1) *Assignment to areas where socio-economic conditions increase student and family problems;*

(2) *assignment to schools separated by considerable distance. Excessive travel time shall be avoided wherever possible;*

(3) *assignment to schools where a highly mobile population is served; or*

(4) *assignment to schools where a large number of programs for exceptional children are provided* (K.A.R. 91-12-62(d)).

SUPERVISION OF SCHOOL PSYCHOLOGY SERVICES

In local education agencies employing several school psychologists, provision shall be made for coordination and supervision of the school psychological services as specified in LOCAL ADMINISTRATION AND SUPERVISION OF SPECIAL EDUCATION section. Additionally, the person designated as coordinator/supervisor shall meet the following requirements:

1. Have experience as an approved school psychologist, *and*
2. Hold at least provisional approval as School Psychologist II, *or*
3. Hold full approval as School Psychologist I.

TRAINING AND CERTIFICATION

School psychological services are provided by psychologists trained at the masters level or above in the combined fields of psychology, general education, and special education. They have met special education requirements through criteria established by the State Board of Education and are certified by the Kansas State Department of Education. Completion of a school psychology training sequence is required.

When persons are trained in school psychology, but not as teachers, a limited certificate will be issued. Coding of the certificate will limit the placement of such personnel to school psychology only.

SCHOOL PSYCHOLOGY PARAPROFESSIONALS

Requirements relating to paraprofessionals as delineated in K.A.R. 91-12-61 apply to school psychology paraprofessionals. Those requirements specific to school psychology are as follows:

Special education reimbursement shall be authorized for school psychology paraprofessionals who hold a baccalaureate degree in psychology or education, if:

(1) Responsibilities of the paraprofessional are planned and supervised by a qualified professional and are based on the person's competency to carry out the responsibilities. If needed, preservice or inservice training shall be provided in relation to the duties;

(2) the paraprofessional is not involved in psychological counseling or therapy, or in psychological evaluation;

(3) the paraprofessional is under the direct supervision of a certified school psychologist; and

(4) the paraprofessional holds a paraprofessional permit (K.A.R. 91-12-62(b)).

DUTIES AND RESPONSIBILITIES

1. Careful planning shall be employed in the development of the tasks assigned to the school psychology paraprofessional. Because of the importance of school psychological services in the lives of those persons receiving services, responsibilities shall be assigned to persons on the basis of their competency to carry them out. Where needed, preservice or inservice training shall be provided prior to the assumption of these duties.

   Examples of tasks which may be appropriately assigned to a school psychology paraprofessional are —

   a. Organize or schedule conferences with teachers or parents for school psychologists;
   b. Record data during behavioral observations;
   c. Assist teachers or psychologists in the implementation of a behavior management program;

d. Provide assistance in the scoring or recording of test data;
e. Provide support to individual students through role modeling and other activities planned by the school psychologist;
f. Prepare data for analysis, including graphing test results, preparing statistical tables, and summarizing information from questionnaires; and
g. Assist with individual or group screening.

REIMBURSEMENT

Special education reimbursement for certified school psychologists employed at least half-time is available on the same basis as for other special education certificated personnel. Reimbursement for approved school psychology paraprofessionals is also available. (See REIMBURSEMENT AND FINANCES section for amounts and types of reimbursement.)

SCHOOL SOCIAL WORK

DEFINITION

As defined in K.A.R. 91-12-22(ll) *'school social work' means special services which provide:*

(1) Assistance to a school, parents and exceptional children in understanding and modifying social and cultural factors influencing educational performance;

(2) a liaison between school and other community agencies to assist in the provision and coordination of services to individual children; and

(3) a liaison between the home, school and community for the prevention of learning problems.

SCOPE OF SERVICES

School social work is a specialized supportive service to both the regular education and special education programs. As a member of the special education team, the school social worker is considered essential to the adequate development of programs. Special education programs are based upon individual differences within the child. Nevertheless, the impact on the child of social and cultural influences in the community and the home, as well as factors within the school itself, must be understood. Interaction of the school social worker with other members of the special education team will facilitate this understanding and promote needed modification of programs or policy.

The school social worker has a vital liaison role when the school is working cooperatively with another community agency, such as the juvenile court, mental health center, or Social and Rehabilitation Services Department. Preparation for return of students from a detention home, mental health facility, or other State facility into the public school requires careful planning and continued follow-up. Often adequate services of this type provided by a school social worker will determine the effectiveness of the change.

As a member of the total school staff, the school social worker assists in developing a better understanding of factors which may be counter-productive to learning. This emphasis on the prevention of problems, as well as supportive assistance offered to individual children, parents, and school staff, is an integral part of school social work services.

School social work services are considered as part of the support services necessary to the effective implementation of special education programs required by law (K.S.A. 72-961 — 72-980 and 72-933). School social work, however, is not mandated at this time. Consideration will be given to requiring these services in the future contingent upon availability of personnel and differentiated levels of staffing.

RESPONSIBILITIES

The responsibilities of the school social worker include, but are not be limited to, the following:

1. Provides direct services to parents or children.

a. Assists in the establishment of trust relationships with parents. The school social worker is often the first representative from the special education services staff to have contact with a family.
b. Assists in communicating parental concerns to the school and the school's concerns regarding the child to his/her parents. This might be considered a process of mediation between home and school.
c. Assists the child's family and the school in the effective utilization of community resources.
d. Maintains follow-up of children being seen by another community agency; assists the parents in locating and acquiring any additional services which are needed.
e. Serves as a member of the multidisciplinary team responsible for comprehensive evaluations. (See SCREENING, EVALUATION, PLACEMENT, AND REVIEW section.)
f. Provides supportive group and individual casework and counseling services to students and parents on school related problems.
g. In cooperation with other support personnel, plans and conducts parent meetings or training to assist parents in a better understanding of their child's unique needs and their role in effective parenting.
h. Provides assistance to the family and school during the adjustment period when a child is returned to the community from a State institution or other placement.

2. Maintains communication with and provides consultation to school personnel.
   a. Channels appropriate community information to the school to help improve school-child relationships through better understanding.
   b. Consults with administrators or other school personnel concerning social and cultural factors contributing to pupil problems in the school system; participates in the formulation of policies designed to improve the school learning climate.
   c. Assists other special education services personnel in providing school inservice related to the special needs of children.
   d. Reviews, in cooperation with other appropriate school personnel, current information pertaining to a child's progress and assists in the reformulation of the individualized education program as needed.
3. Assists in effective school and community cooperation by acting as a liaison between the school and existing community resources.
   a. Is available to consult in community planning and to interpret the role of school social work to institutions and other community agencies.
   b. Assists in developing community awareness of the needs of all children, including those with exceptional needs.

CASELOAD

As prescribed in K.A.R. 91-12-63(b), *the caseload for any one school social worker shall not exceed 1,500 children. The student to school social worker ratio shall be lowered under the following conditions:*

(1) Assignment to areas where socio-economic conditions increase pupil and family problems;

(2) assignment to schools separated by considerable distance. Excessive travel time shall be avoided wherever possible;

(3) *assignment to schools where a highly mobile population is served; or*
(4) *assignment to schools where a large number of programs for exceptional children are provided.*

In local education agencies where a master's level social worker has the assistance of a paraprofessional, the unit (school social worker and one to three paraprofessionals) may serve a somewhat higher population. The specific caseload number for this type of service is difficult to establish, but consideration of the time required for supervision and the limitations on service due to the paraprofessional's level of training should be carefully considered. (See Social Work Paraprofessionals of this section for regulations related to baccalaureate degree social workers.)

As stipulated in K.A.R. 91-12-63(a)(4), the school social worker shall provide at least two hours per week of direct supervision for each paraprofessional assigned to him/her. The student population caseload of the supervisor shall be adjusted downward in relation to the number of hours spent in supervision.

SUPERVISION OF SCHOOL SOCIAL WORK

In local education agencies employing several master's level school social workers, provision should be made for coordination and supervision of these services. The person designated as coordinator/supervisor shall meet the requirements for supervisor/coordinator of special education.

When ten or more school social workers are employed, one full-time coordinator/supervisor should be employed. When fewer than ten master's level social workers are employed, proportional release time should be provided for the supervisor.

TRAINING AND CERTIFICATION

Approvable school social work services are provided by trained master's level social workers who have met requirements under special education criteria established by the State Board of Education and who are certified by the Kansas State Department of Education. (See *Regulations for Certifying School Personnel and Accrediting Institutions and Approving Programs Offering Teacher Education.*) Where persons are trained in school social work, but not as teachers, a limited certificate will be issued. Coding of the certificate will limit the placement of such personnel to school social work only. In such cases all of the required 200 clock hours in supervised field experience must be in a public school setting.

Bachelor's level social workers are not certified by the Kansas State Department of Education, but may be employed as paraprofessionals defined within this section if they work under the direct supervision of a certified master's level school social worker.

SOCIAL WORK PARAPROFESSIONALS

Within the social work field, several levels of training have been articulated in an effort to provide differentiated staffing and to more fully utilize the talents of persons interested in that helping profession. In keeping with this philosophy and to allow special education reimbursement, K.A.R. 91-12-63(a) requires that school social work paraprofessionals shall —

(1) *Hold a baccalaureate degree in social work;*
(2) *perform tasks related to school social work for which they are trained;*
(3) *not be involved in intervention techniques, such as psychotherapy;*
(4) *be under the direct supervision of a school social worker who provides monitoring and assistance at least two hours per week for each paraprofessional; and*
(5) *hold a paraprofessional permit.*

Careful planning shall be employed in the development of the tasks assigned to the baccalaureate school social worker. The term paraprofessional, which is used to indicate a non-certified but reimbursable special education staff member, is not intended to downgrade those skills which the baccalaureate person has acquired. Conversely, however, because of the importance of social work in the lives of those persons receiving service appropriate responsibilities shall be assigned as required by K.A.R. 91-12-63(a) and K.A.R. 91-12-61.

APPROVAL OF SOCIAL WORK PARAPROFESSIONALS

A paraprofessional approval process was adopted and became effective during the 1978-79 school year. School social work paraprofessionals shall obtain a permit as required for other special education paraprofessionals. (See PARAPROFESSIONALS IN SPECIAL EDUCATION section.)

REIMBURSEMENT

Special education reimbursement for certified master's level school social workers and non-certified bachelor's level social workers is available on the same basis as for other special education personnel. (See K.A.R. 91-12-37.)

SPECIAL EDUCATION INSTRUCTIONAL MATERIALS CENTERS

DEFINITION

The Special Education Instructional Materials Center (SEIMC) provides media resources in support of special education programs. The purpose of the SEIMC is to serve personnel who work with exceptional individuals through the following methods:

1. Consultation and training in effective use of media to personalize instruction,
2. Instruction and assistance in adaptation and development of instructional media,
3. Dissemination of information about current developments in educational technology,
4. Maintenance of an extensive depository of instructional media for short-term loan or demonstration, and
5. Liaison with Federal special education media programs and other Kansas SEIMC's.

The SEIMC should supplement, not supplant, the district's obligatory provision of those supplies and equipment required to meet the needs of exceptional learners.

POPULATION TO BE SERVED

The SEIMC shall provide services to individuals with all types and degrees of exceptionality. Such services may be direct or indirect. In most cases the services will be indirect; for example, the primary clients will be those persons responsible for the education of exceptional learners. Those clients include both regular and special education teachers, administrators, special education support personnel, parents, and preservice teachers training in the area of special education. Direct services to learners are related to short-term instruction in the classroom setting for purposes of assessing educational needs and/or demonstrating appropriate methods or materials.

The SEIMC program is not concerned with identifying students as exceptional per se. Practically, however, services must be confined to students who require special application of media for optimal educational progress, such as students who can be shown to need special supplementary instructional materials and equipment. This restriction will prevent SEIMC resources, which are limited by finances and time, from becoming diluted over the entire school population.

Special education instructional materials centers services may be direct or indirect and shall be confined to children who:

(1) Have been identified as exceptional; or
(2) who have been informally assessed by a regular classroom teacher as requiring special media applications (K.A.R. 91-12-64(a)).

The direct services of the SEIMC program do not constitute a special education placement and require neither a comprehensive pupil evaluation nor an individualized education program (IEP). However, individuals for whom SEIMC services are requested and who have not previously been identified as exceptional shall be given an educational assessment which will pinpoint specific learning assets or deficits. This assessment may be given by the student's regular classroom teacher, the SEIMC specialist, or other special education personnel. Appropriate assessment tools include, but are not limited to, the Peabody Individual Achievement Test, Basic Education Skills Inventory, Illinois Test of Psycholinguistic Abilities, Frostig Developmental Test of Visual Perception, and Goldman-Fristoe-Woodcock Test of Auditory Discrimination. Criterion-referenced tests, informal reading-spelling tests, and math inventories may also be used. The results of the assessment shall be used solely to show need for special materials and to determine suitable remediation strategies.

For many children the mere provision of special materials and/or equipment will be sufficient for satisfactory progress in the educational mainstream. However, SEIMC personnel should be alert to the possibility that more intensive services may be required and are responsible for making further referral to appropriate specialists.

PROGRAM AND OBJECTIVES

The overall goal of the SEIMC is to improve the teaching and learning of exceptional children through the provision of supportive media services. Media is defined as printed, auditory, and visual forms of communication and their accompanying technology. Specific objectives of the program are as follows:

1. To facilitate personalized educational programs for exceptional learners through inservice and consultation in the effective use of media resources,
2. To acquire and catalog a depository of instructional media suitable for use in instructional programs for exceptional learners,
3. To assist in organizing at building level those media resources not appropriately centralized in the SEIMC,
4. To retrieve and lend materials relevant to specific educational objectives,
5. To adapt or develop instructional media as required to meet the needs of exceptional learners,
6. To seek and disseminate information about innovations in educational technology,
7. To cooperate with other local and regional special education media centers in increasing SEIMC program effectiveness,
8. To continuously assess the media needs of exceptional individuals in the service area and devise strategies to meet these needs, and
9. To evaluate center effectiveness both objectively in terms of usage and subjectively in terms of client satisfaction.

INTRA-STATE SEIMC NETWORK

Special education instructional materials centers shall be directly responsible to their respective administrative units, but also shall participate in intra-state networking activities initiated by the state department of education (K.A.R. 91-12-64(b)). The network is a confederation of local SEIMC's directly responsible to their respective administrative units, but also committed to a statewide service program. A close working relationship among SEIMC's allows for an exchange of expertise, equipment and materials, and services. Dissemination of information, an important program goal, is also achieved through the network.

Certain unique services and/or materials can be provided to all districts in the state through a single SEIMC. Major responsibility for coordinating the dissemination of materials for the visually impaired, for example, is assumed by the Wichita Diagnostic Educational Media Center. SEIMC's are encouraged to seek specialty areas which can be developed into statewide services.

COORDINATION OF SEIMC AND REGULAR LIBRARY MEDIA SERVICES

Many local education agencies operate a unified library media program and have a central organizational unit which provides services, such as processing, cataloging, and advanced audiovisual production. Whenever possible, SEIMC services should be established as a specialized branch of the extant school media program. This arrangement is both educationally effective and economically sound inasmuch as it makes a wider range of services and resources available to exceptional students than would otherwise be possible.

Lacking availability of a unified media program, SEIMC personnel should work closely with library media specialists in individual schools. Many materials are more appropriately housed at building level rather than in a central depository. It is the responsibility of the SEIMC program to assist in developing building level media programs that provide resources for exceptional children and their teachers.

In any case the SEIMC personnel will primarily be concerned with developing systems by which the educational needs of exceptional children can be met through the proper matching of instructional programs to learner variables. Their activities should be directed toward —

1. Identifying curricular areas in which an exceptional learner requires materials differing from those being used by his/her peers,
2. Providing appropriate media, making modifications, or developing new materials as necessary; and
3. Assisting teachers in using media to personalize instruction.

SEIMC PERSONNEL

The professional staff of the center will consist of as many special education instructional materials specialists as necessary to provide comprehensive SEIMC services. One of these SEIMC specialists shall be designated as coordinator and shall be responsible for articulating center activities. If only one SEIMC specialist is employed in the center, this person will act as coordinator.

It is recommended that the SEIMC staff also include personnel with the types of special abilities that will enhance and expand the center's services. These would include graphic artists and media specialists. Paraprofessionals may be employed as media aides and media technicians. Minimally, an SEIMC will be staffed with an SEIMC coordinator and one media aide. Generally, the local administrator responsible for special education services will assist in establishing policies and objectives, and will be responsible for integration of the SEIMC into the educational system of the sponsoring local education agency.

1. SEIMC Coordinator:
   The SEIMC specialist designated as coordinator shall be responsible for implementing and coordinating SEIMC services: (a) identifying and developing needed media services in the service area, (b) ordering and loaning instructional materials, (c) implementing demonstration and inservice programs, and (d) promoting the use of center services by field personnel. Specific duties of the coordinator should be defined by the sponsoring local education agency inasmuch as these duties will vary with differences in emphases, priorities, and local administrative structures.
2. SEIMC Specialist:
   The major role of the SEIMC specialist is to provide consultation and inservice training in effective use of media to personnel working with exceptional children.

Specific duties include (a) previewing and analyzing instructional media, (b) selecting appropriate teaching materials, (c) demonstrating effective use of instructional media, (d) adapting or developing materials to meet specific needs, (e) assisting in the organization of building level instructional media resources, and (f) disseminating information about current developments in educational technology.

The following requirements for State approval of an SEIMC professional are stated in K.A.R. 91-12-64(c)):

(1) A valid Kansas teaching certificate;
(2) current endorsement in one or more areas of exceptionality;
(3) a minimum of two years of field experience in special education or remedial instruction; and
(4) competencies in instructional use of media.

3. SEIMC Paraprofessionals:
SEIMC specialists must spend the major portion of their time in the schools working with teachers. Therefore, it is essential that they be freed from such duties that do not require professional training or certification. Many center functions, although vital to the total program, may be delegated to paraprofessional media aides or media technicians.

   a. Media Aides:
   Media aides handle routine circulation activities, demonstrate proper operation of equipment, and assist clients in locating materials. They are responsible for shelving and filing materials, inspection and repair of materials, and simple materials production services, such as mounting pictures and making transparencies. Media aides may also be assigned duties related to preparing and updating a catalog of materials or issuing the center newsletter.

   b. Media Technicians:
   Media technicians provide assistance in production of materials, repair and maintenance of equipment, media presentations, and information processing. Specific duties might include assistance to teachers in designing materials, illustrating center publications, preparing materials for use with educational television and photographic production, and keeping audio-visual equipment in working order.

Special education paraprofessional reimbursement shall be authorized for media aides and media technicians, if:

(1) The paraprofessional personnel perform tasks related to the inservice and media services of the special education instructional materials center and are under the supervision of an approved special education instructional materials center specialist; and
(2) the ratio of full-time paraprofessionals to special education instructional materials center specialists does not exceed four (K.A.R. 91-12-64(d)).

SEIMC FACILITIES

The location, space, and equipment of the SEIMC will be dictated by the scope of the program. In general, centers should be functional in design with adequate space for shelving materials and storing equipment. Office space for SEIMC personnel and a work area for cataloging and processing materials should also be provided. Additional space will be required if materials production and inservice activities are carried out in the center.

The SEIMC should be located in its service area so that it will be most accessible to the greatest number of clients. Additionally, a system for quick delivery of materials to clients should be provided. In some centers the existing school mail may be used; other centers may require a van to meet circulation needs. It is recommended that the SEIMC be located on ground level to facilitate the movement of materials.

EVALUATION

The SEIMC should continuously assess its contribution to the total special education program. Immediate and specific objectives shall be formulated annually and used as a basis for judging the progress of the program toward achievement of its own stated purpose. *Accurate records of special education instructional materials center acquisitions, loans and other activities shall be kept* (K.A.R 91-12-64(e)). *Each special education instructional materials center shall develop and implement procedures for collecting subjective evaluation data relative to client satisfaction* (K.A.R. 91-12-64(f)).

VOCATIONAL TRAINING FOR THE HANDICAPPED

The delivery of a continuum of appropriate programs and services to handicapped individuals requires the cooperative efforts of the Special Education Administration Section and Vocational Education Administration Section in the Department of Education and the Division of Vocational Rehabilitation in the Department of Social and Rehabilitation Services. Regulations accompanying the Education of All Handicapped Children Act of 1975 (P.L. 94-142), the Vocational Education Amendments (P.L. 94-482), the Rehabilitation Act of 1973 as amended by P.L. 95-602, and the Kansas Special Education for Exceptional Children Act, (K.S.A. 72-933 and 72-966) all address the provision of appropriate vocational training for handicapped students. *'Vocational training' means instruction which prepares handicapped individuals for paid or unpaid employment, or which provides additional preparation for a career requiring other than a baccalaureate or advanced degree* (K.A.R. 91-12-22 (ww)).

PHILOSOPHY

Vocational training is broader than traditional vocational education and encompasses a variety of alternative delivery models necessary to meet the unique needs of handicapped learners. The concept of vocational training includes the vocational education funded programs as well as the postsecondary options. Special education students who are interested in and can benefit from vocational education programs must have access to them. Traditional vocational education programs must be expanded and strengthened to assure their appropriateness for handicapped students. Modified, adapted, or special vocational training programs must be available for those special education students who cannot benefit from the regular vocational education programs.

It is essential that a close working relationship be established and maintained among special education, vocational education, and vocational rehabilitation personnel in order to provide an integrated delivery system for the vocational training of the handicapped. The provision of vocational training programs must be based upon a mutual commitment and philosophy of placement of handicapped persons in the least restrictive environment as well as a commitment to the coordination of these services among agencies.

RESPONSIBILITIES

Local Education Agencies

Each local education agency shall adopt procedures for assuring participation of special education children in vocational education programs (K.A.R. 91-12-65(a)). The local education agency should establish cooperative efforts between agencies within and outside the district in order to ensure the efficient use of resources. The following objectives are suggested to guide the development of a local plan for providing appropriate vocational training programs and services:

1. To provide vocational education within the career education continuum to enable handicapped students to learn about and prepare for work.

2. To provide appropriate prevocational experiences to prepare handicapped students for placement in vocational training.
3. To provide handicapped students the opportunity to participate in a regular or special vocational training program in order to develop job-specific skills.
4. To provide vocational assessment to determine handicapped students' interests and vocational aptitudes in order to develop an appropriate individualized education program.
5. To provide supportive services needed to maximize the handicapped students' potential for success in a regular or specially designed vocational training program.
6. To provide work experience options to handicapped students to bridge the gap between the school program and the world of work.
7. To provide vocational counseling and job placement and follow-up services to handicapped students to assist them in securing and maintaining jobs suitable to their abilities and interests.
8. To provide appropriate work activities or sheltered employment training programs to handicapped students whose impairments are so severe as to prevent their immediate inclusion in occupational skill preparation programs.
9. To contact Vocational Rehabilitation Division or other appropriate agencies as indicated by the needs of the student.
10. To provide coordination in the preparation and implementation of individualized written rehabilitation programs for those students who are clients of Vocational Rehabilitation Division.

Division of Vocational Rehabilitation (DVR) and Services for the Blind and Visually Handicapped (SBVH)

The Division of Vocational Rehabilitation (DVR) will accept the responsibility for the provision of rehabilitation services for all eligible handicapped. To be considered eligible for services, there must be a physical or mental disability which results in a substantial handicap to employment for the individual. Current DVR policy considers learning disability as a symptom rather than as a disability in itself on which eligibility could be based. If, however, the learning disability is caused by a demonstrable underlying physical or mental impairment such as a developmental disturbance of neural organization, an emotional disorder, or post-traumatic neuropathology, then DVR considers this underlying impairment to be a disabling condition which could serve as a basis for determining eligibility.

The Services for the Blind and Visually Handicapped (SBVH) will accept full or partial responsibility for the provision of rehabilitation services for eligible visually handicapped students ages 16 and over who are not enrolled in school. Where students are interested in returning to school, either DVR or SBVH will confer with the school district in an attempt to have structured within the district an educational or vocational education program that would lead to completion of an appropriate course of study.

Either SBVH or DVR is the accountable agent for coordination of postsecondary training and placement of eligible persons ages 18 to 25 years who have completed an approved course of study and graduated from a public school program.

Vocational Education

The traditional vocational education funded programs are, by Federal definition (Section 195, P.L. 94-482), *directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a* *baccalaureate or advanced degree.* The definitions of handicapped are the same in vocational education regulations as they are in special education. The policy for admission of students shall provide that individuals will be admitted for enrollment in vocational education classes and provided instruction for each type of occupation or occupational field based on their potential for achieving competence in the occupation or occupational field through such instruction. Individuals will be admitted to and provided instruction in special classes for persons with special needs, if such individuals have academic or other handicaps that have prevented them from succeeding in the other vocational education programs and, therefore, require instruction which is especially designed to enable those individuals to develop competencies adequate for employment in a recognized occupation.

Ten percent of all Federal vocational education funds received by the State shall be used towards the goal of providing training and special support that will assist handicapped students be successful in programs which prepare them for employment. When handicapped students are served in regular vocational programs, the Federal funds may be used only for costs which exceed those of the regular vocational program. Where vocational programs are designed specifically for handicapped students, Federal vocational education set aside funds may be used toward the total program cost. The local district must match these Federal funds with 50 percent State and/or local funds. This ratio may be adjusted in areas of high concentration of unemployment and poverty. The State Special Education Categorical Funds may be used as the local match in these situations.

Programs designed to maintain handicapped students in regular vocational programs are the State priority for funding. The learning skills center concept is a frequently funded model. These centers are designed to provide improvement of basic education knowledge essential to the vocational education program. Vocational education special needs funds may also be used to pay for a paraprofessional to assist the vocational education teachers in adapting the program to meet the needs of handicapped students.

VOCATIONAL ASSESSMENT PROCESS

Vocational assessment is the process whereby school personnel gain insight into students' vocational potential — their abilities, interests, and the most appropriate work environment. The assessment information should be used in planning the vocational training portion of the student's individualized education program.

The comprehensive evaluation for all referred secondary students should include a vocational assessment. For those secondary students previously identified as handicapped, the annual program review should include a vocational assessment.

In addition to the requirements specified in SCREENING, EVALUATION, PLACEMENT, and REVIEW section of this Plan, a vocational assessment should address work history, work skills, work tolerance, self-confidence in work ability, job seeking skills, and work related competencies, such as mobility, communication, money management, grooming, and hygiene.

It is essential that the vocational assessment include interviews and behavioral observations as well as assessment instruments. Vocational assessment must be performed by persons qualified by training and experience for this function. When such personnel are not available within the district, arrangements to provide this service can be made with other agencies, organizations, or qualified individuals. Vocational rehabilitation funds may be available for certain individual assessment procedures when such services do not duplicate existing assessment.

The assessment process will indicate vocational program decisions for the individualized education program (IEP) development. Planning needs to extend to the vocational expectations for the student at the completion of the high school program. Program completion may lead directly to employment or to a postsecondary program, then to employment.

ADMINISTRATIVE STRUCTURES

Vocational training may be provided in a variety of settings and under the direct or joint responsibility of different disciplines. Further, the amount and nature of instructional and/or support responsibility varies for each program. The following subsections provide general descriptions and examples that should assist local schools in program planning and implementation.

Regular Vocational Training

Regular vocational training refers to any general vocational education high school programs available in a school district regardless of the source of funding for the program. These would include traditional programs that provide specific skill training in vocational agriculture, business and office occupations, trade and industrial education, health occupations, cooperative education programs, etc., as well as any locally developed vocational training. This program would lead to advanced training at the postsecondary level or an entry level job.

Regular vocational education programs shall be provided to each handicapped child who can benefit from participation in these programs (K.A.R. 91-12-65(b)). All handicapped students who choose a regular vocational training program and have been determined to be capable of benefiting from the program without any significant changes in the courses would comprise the target population. Students would range from those requiring no support services to those needing one or more of such services as speech, prosthetic appliances, interpreter, note-taker, counseling, special materials, instructional aids or equipment, or transportation.

Instruction in regular vocational training programs is the responsibility of vocational education teachers in public or private programs. Student support services may be provided by vocational education, vocational rehabilitation, and special education funds. Direct individual support services may be provided or supervised by special education and/or special needs vocational education personnel. Indirect services for individuals through provision of equipment, appliances, tools, transportation, etc. may be provided by vocational rehabilitation funding when these services do not duplicate existing services.

Adapted Vocational Training

Modified, adapted or special vocational training programs shall be available to each handicapped child who cannot benefit from regular vocational education programs (K.A.R. 91-12-65(c)). Adapted vocational training represents program alterations or accommodations in any one or more of the available regular vocational training programs. Adaptations might be made through curriculum modifications, changes in modality of instruction, or special instructional aids for the instructor. This program option should lead to regular or adapted vocational training at the postsecondary level or to an entry level job.

Instructional responsibility for adapted vocational training courses lies with vocational education instructors in the local education agency or area vocational-technical programs. Vocational education funds are available to make adaptations when necessary for special needs students. Student support services may be provided through vocational education, vocational rehabilitation, and special education funds. Direct individual support services may be provided or supervised by special education and/or special needs vocational education personnel. Indirect support services may be provided through vocational rehabilitation funding when these services do not duplicate existing services.

Special Vocational/Occupational Training

Special vocational/occupational training programs are those that are designed specifically for selected vocational or occupational areas that are not available through an adapted vocational program or that provide training in occupational areas that are outside of the traditional scope of vocational education. Examples of special vocational/occupational programs include work-study programs and general industrial training through store front training centers or on-campus product assembly line centers.

Training is usually directed toward a semi-skilled or service occupation for which there is a labor demand, and emphasis on prevocational skill training is a major component of the training. Participation in one or more of these types of programs is designed to provide prerequisite skills for entering an adapted vocational training program at the secondary or postsecondary level or to provide entry level job skills.

Students who select this program option or who have been determined to have disabilities that suggest difficulty in successful participation in a regular or adapted vocational program make up the target population for special vocational/occupational training programs. Students may need one or more of the support services provided for handicapped students to successfully complete this type of program.

Instructional responsibility in special vocational/occupational training programs rests with the instructional personnel of any given program. Programs may be initiated and administered under the auspices of special education, cooperatives between vocational and special education personnel, or cooperatives between the local education agencies and public agencies or community rehabilitation agencies. Vocational education, vocational rehabilitation, and special education funds for the handicapped may be used in developing and maintaining programs of this type. Direct student support services may be provided or supervised by special education and/or special needs vocational education, as well as public or community agency personnel as part of their contractual agreements. Services for individuals may be provided through vocational rehabilitation funding when such services do not duplicate existing services.

Work Adjustment Training

Work adjustment training focuses on work readiness skills and personal-social development within the context of work sample procedures or structured situational assessment through on-the-job experience training. The program is designed to provide work ready skills for participating in special vocational/occupational training programs or entry level job skills.

Students placed in a work adjustment program exhibit moderate to severe handicaps primarily in the area of personal and social functioning that interferes with their ability to succeed in other vocational/occupational programs. While these students may require some prevocational training, their primary training need is that of developing personal and social skills required by the world of work. Most of the students will need one or more support services, such as speech, occupational therapy, recreation therapy, dance movement therapy, counseling, social work, and transportation.

The responsibility for instruction in a work adjustment training program is assumed by special education, vocational education, and/or rehabilitation agency personnel. Indirect support services for individuals may be provided or contracted through vocational rehabilitation funds when such services do not duplicate existing services. Vocational education personnel may serve in a direct or advisory role in work adjustment training.

Work Activity Training

Work activity training has as its primary objective the provision of a goal-oriented program through therapeutic activities. Work must be a central activity, but it is only one of several components of the program. Typically, training is focused on gross and fine motor manipulation, on-task behavior, communication skills, personal and social adjustment, and/or daily living skills in self-care, independence, and mobility. The program is designed to enable individuals either to move into competitive employment or to other programs, such as special vocational/occupational programs, work adjustment training, or sheltered employment.

Students placed in work activities training are those who function at a level such that they would find it difficult to succeed in a regular, adapted, or special vocational training program. Their needs in basic work skills, such as sorting, assembly tasks, disassembly tasks, product development, or use of tools characterize their level of functioning in work activities. In addition, they will typically need social, communication, and daily living training. Support services are usually needed by these students and include such services as speech and language training, physical therapy, occupational therapy, recreation therapy, dance movement therapy, social work services, maintenance, transportation, physical restoration, and counseling.

Instructional responsibility in a work activity training program is vested in special education and/or rehabilitation personnel. Direct support services to individuals will typically be provided by special education and/or rehabilitation personnel. Services for individuals may be provided through vocational rehabilitation when such services are not duplicated by other agencies. Vocational education personnel will serve in an advisory role for programming in work activities.

Postsecondary Vocational Training

Postsecondary vocational training refers to vocational or technical education programs that provide basic and/or advanced training in traditional and specialized vocational education areas. The range of training programs (designed to serve the handicapped) at the postsecondary level is much wider than at the secondary level, permitting much more individualization for handicapped individuals' interests and talents. Postsecondary training is designed to prepare individuals to move into competitive employment or obtain new or different skills for improving occupational status.

All students with a handicap who choose a vocational or technical education program and who have been determined to be capable of benefiting from the program without any significant changes in the courses would comprise the target population. Students would range from those requiring no support services at all to those needing one or more of such services as speech, prosthetic appliances, interpreter, note-taker, counseling, special materials, instructional aids or equipment, or transportation.

Instructional responsibility in postsecondary vocational training rests with the regular vocational and/or technical instructional personnel in the various public and private training institutions. Support services will be made available for individuals through vocational rehabilitation. These support services may be delivered directly by designated special needs instructors or counselors in the schools or by selected qualified personnel in the community.

Postsecondary Work Evaluation/Work Adjustment

Postsecondary work evaluation and/or work adjustment programs are functional components of most community rehabilitation facilities. Work evaluation is provided for individuals as needed for periods up to eighteen months for purposes of determining individual vocational objectives, assets, limitations, and behaviors in the context of work environments in which they might function.

Work adjustment services are those provided for the purpose of developing behaviors needed to pursue a satisfactory level of vocational development. The length of time that an individual remains in work adjustment shall be primarily based on the time necessary to accomplish the individual's adjustment goals. Both work evaluation and work adjustment are designed to enable individuals to move to a specific skill training program or to an entry level job. Such programming typically occurs in a rehabilitation facility but is not limited to that environment.

Individuals determined to be functioning on a level that makes regular prevocational or vocational assessment unfeasible, or individuals whose behavioral repertoires are too limited to take advantage of any other type of vocational or occupational training comprise the target population for this program. Most will need a wide variety of support services, including speech and language training, physical therapy, occupational therapy, dance movement therapy, recreation therapy, social work, psychiatry, transportation, and vocational rehabilitation.

Instructional or evaluation services are the responsibility of work evaluation or work adjustment specialists who have been contracted through vocational rehabilitation. Support services are also provided for individuals through vocational rehabilitation and delivered by contracted agencies or individuals.

PHYSICAL EDUCATION

DEFINITION

'Adapted physical education' means a diversified program of developmental activities, games, sports, and rhythms suited to the interests, capabilities and limitations of children with disabilities who may not successfully engage in unrestricted participation in regular physical education (K.A.R. 91-12-22(a)).

Other definitions which apply to this area are —

1. Physical education is defined as —
    a. Physical fitness including muscular strength, muscular endurance, cardiovascular endurance, flexibility, and agility;
    b. Gross motor skills, including static and dynamic balance, hand-eye coordination, and foot-eye coordination;
    c. Games, sports, aquatics, and dance;
    d. Recreational activities; and
    e. Lifetime sports.
2. Limited-Regular Physical Education — a regular physical education class in which a person can participate if limitations, such as no running or no striking, and/or assistance from an aide are included.
3. Modified-Regular Physical Education — a regular physical education class in which a person can participate if modifications such as changing visual cues to auditory cues are permitted.
4. Motor Development Delay — a maturational lag in motor functioning that can be overcome with appropriate intervention activities.
5. Permanent Disability — a handicapping condition that cannot be eliminated, i.e., blindness, deafness, orthopedic handicaps.

PROGRAM PURPOSE

Special education, as defined in Section 602 of P.L. 94-142, includes physical education. K.A.R. 91-12-66 requires each local education agency *to provide physical education services, adapted when necessary, as an integral part of the educational program of each handicapped child.*

SCREENING AND IDENTIFICATION

The evaluation and placement procedures presented in this section are suggested guidelines for a delivery system of physical education for handicapped students in the state of Kansas. The procedures are designed only for handicapped children as defined by law and include a screening process to determine the physical functioning of these students followed by suggestions for appropriate follow-up services. Appropriate follow-up services might be placement into a regularly scheduled physical education class or a more thorough evaluation to determine which placement would best serve to improve a student's functioning.

If on the basis of the screening process a child is found to perform to acceptable local standards in physical education, placement into a regularly scheduled physical education class is appropriate. However, should the screening process reveal an inability to perform to acceptable local standards, a more comprehensive physical education evaluation is warranted. The in-depth examination should provide information needed to determine long-range goals, specific short-term objectives, and appropriate physical education programming in the least restrictive environment possible. The purpose of each placement is to develop as fully functioning an individual as is possible. The focus of each intervention program, linked with periodic testing, is to develop a high enough level of functioning to permit the individual's placement into a less restrictive environment.

The suggested procedure for assessing and providing appropriate physical education for handicapped students is as follows:

1. All students classified as handicapped under State guidelines should be provided with formal or informal physical education screening to determine their ability to perform to acceptable local standards.
2. Those handicapped students who perform to acceptable local standards should be placed in regularly scheduled physical education classes with no modifications or limitations. Ability to perform to normal standards should be noted on each student's individualized education program (IEP).
3. Those handicapped students who perform below local standards in any three aspects (i.e., muscular strength, muscular or cardiovascular endurance, static or dynamic balance, etc.) of physical education should be referred for an in-depth examination by a physical education teacher.
4. After the physical education examination has been completed, physical education goals and objectives should be determined, activities to facilitate motor development selected, and appropriate physical education placement decided upon.

Physical education teachers may decide on one of two methods to screen individuals with handicapping conditions. They may choose to (1) informally observe children in the physical education class or at play or (2) formally test such children using a standardized instrument. Descriptions of informal and formal screening techniques follow.

Informal Screenings

Informal screening is accomplished when children are observed for clues to functional problems. These observations can be made during a physical education class or while the child is at play during the lunch hour or recess. Each child should be observed three or more times to accurately determine the constancy of the problem. Clues to functional problems that can be identified through informal observation include the following:

1. Reluctance to participate in vigorous activity;
2. Tendency to stumble and/or fall down often;
3. Tendency to shy away from thrown balls;
4. Consistent inability to catch or kick a ball;
5. Continuous avoidance of climbing apparatus;
6. Inability to perform stunts and tumbling activities after reasonable amount of instruction;
7. Frequent confusion about game rules or strategies;
8. Frequent arguments or unfriendly contacts with other children;
9. Frequent incidents of inappropriate behavior or reactions.

Any one or a combination of the above behaviors may be indicative of a child's inability to perform age-appropriate motor tasks. Should a child continually demonstrate these behaviors, an in-depth comprehensive evaluation should be scheduled.

Formal Screening

Should school personnel prefer broader, more objective data to determine whether an in-depth comprehensive evaluation is necessary, standardized motor development tests are available. Results from these tests should be carefully scrutininzed for evidence of specific or general areas of below normal motor performance. Either a specific area of weakness or overall depressed scores can be indicative of a need for in-depth comprehensive evaluation. As a rule of thumb, if a child demonstrates difficulty with three or more age appropriate motor behaviors, in-depth evaluation is recommended.

A comprehensive physical education evaluation should include assessment of motor functioning that is basic to a wide range of games and activities. Such an evaluation should include, but not be limited to —

1. Leg, arm, and abdominal strength;
2. Muscular and cardiovascular endurance;
3. Back and hip flexibility;
4. Static balance — with eyes open and closed;
5. Dynamic balance — walk, run, gallop, skip, jump, hop, and leap;
6. Ocular control;
7. Perceptual motor skills including body awareness, body side, space awareness, and tempo awareness;
8. Hand-eye coordination;
9. Foot-eye coordination;
10. Agility; and
11. Posture.

A physical education teacher who is familiar with tests for motor functions numbers one through ten or similar motor functions should arrange to administer the examination individually to each child referred for an in-depth comprehensive evaluation. The entire battery should not be given at one time. Scheduling several (at least three) different testing sessions will help prevent fatigue, plus it will enable the evaluator to observe the student on different days. Testing should be carried out in a distraction-free environment at a time when the child is free from illness and emotionally calm. The best performance demonstrated by the child should be considered the true measure of capability.

Posture should be evaluated by the school nurse who has been specifically charged to evaluate all school-aged children for evidence of scoliosis. If the student has not been routinely checked for scoliosis, the nurse should be requested to conduct a test as part of the student's comprehensive evaluation.

Because some children cannot be tested with conventional tests, the physical education teacher may wish to confer with the family physician or an occupational or physical therapist who may have had contact with the child. Records concerning anatomical or physiological limitations should be made available to the physical education teacher. Such records might include information about cardiovascular problems, joint function limitations, eye disease, and/or other congenital anomalies. Knowlege of these limitations will assist the physical education teacher in modifying tests to be administered and interpreting test results.

After the evaluation has been completed and all medical information about the child's physical status has been gathered, the results should be analyzed to determine whether functional problems do exist. If it is believed that significant developmental dysfunctions (i.e., reflex or visual factors) that underlie and contribute to areas tested exist and no personnel employed by the school district are qualified to test such areas of functioning, the parents should be appraised of the concern. Whenever possible, these developmental dysfunctions should be evaluated and the additional test results made available before the physical education goals are selected and placement is recommended.

Curriculum

The physical education goals and objectives should relate directly to the areas tested and address those areas of motor functioning upon which motor skill performance depends. Some examples of motor functions that contribute to skill performance are arm and leg strength, static balance, and hand-eye coordination. Areas found to be deficient during the physical examination should be selected for immediate attention.

Annual goals and accompanying enabling objectives should be selected for motor functions found to be deficient or significantly below standard. These goals and objectives should be proposed for inclusion on the individualized education program.

As is the case with all IEPs, parents must be consulted and agreement obtained on the goals and objectives for their child. During the IEP conference, every effort should be made to explain the child's test results, clarify why the specific goals are being suggested, and explain how the improved functioning that will result from the physical education program will affect the child's ability to participate in worthwhile leisurely pursuits.

ADMINISTRATIVE STRUCTURES AND CLASS SIZE

A physical activity program to realize IEP goals and objectives should be developed and delivered in the least restrictive environment. Which environment is least restrictive depends upon the physical ability of each child, physical education class size, and availability of aides to assist the teacher who has primary responsibility for teaching the physical education classes. Some children can reach their physical education goals participating in a regular physical education class if appropriate modifications and/or assistance are provided for them. Other children may demonstrate such a variety and magnitude of physical deficiencies and limitations that placement in a regular physical education class would be more restrictive than beneficial.

The environment which would be least restrictive should be determined by reviewing (1) unique needs of each child as determined through the comprehensive evaluation, (2) size of the regular physical education classes, and (3) assistance available to the teacher of the physical education classes. The optimum physical education placement would be that setting which permits all children in the class to make reasonable progress toward long-range physical education goals. Suggested guidelines for appropriate physical education placement for handicapped students are as follows:

1. *Modified-Regular Physical Education*. Students with permanent disabilities (i.e., deaf, leg braces, educable mentally retarded), who can function without assistance but with slight modifications, should be mainstreamed into a regular physical education class with appropriate modifications. Whenever possible, the size of the physical education class should not exceed thirty students.
2. *Limited-Regular Physical Education*. Students with permanent disabilities (blind, epileptic, confined to a wheelchair), who can function with some assistance and/or within some limitations, should be mainstreamed into a regularly scheduled physical education class with appropriate limitations and/or assistance from a

qualified aide. (See discussion in first part of this section.) If well-trained aides with appropriate training can take entire responsibility for the handicapped student and the child is in upper grades (beyond third), class size beyond thirty may be appropriate.

3. *Adapted (Special) Physical Education.* An adapted physical education class should be considered appropriate placement for students with permanent disabilities who also exhibit motor development delays (such as abnormal reflex development, subpar strength, limited flexibility) that require remediation activities to enable them to reach their long-range and enabling objectives and students who are determined to have motor development delays that require remediation activities to promote physical functioning to the level that they can participate in regular, modified, or limited physical education classes. Ideally, the adapted physical education class should include one teacher for eight students; never should class size exceed a 1:15 ratio. The adapted physical education class should be organized for instruction so that each child can progress toward his/her individual goals and objectives. Such progress can be realized using one of three class arrangements -- individual stations and assignments for each child, homogeneous grouping of children with similar needs, and/or a combination of the above two alternatives.

Individual programming is possible when the children are old enough to take the responsibility of working on their own. An individual program is developed for each student and taught to that student. During the individual adapted physical education class, each student follows his/her own prescribed program of exercise and records his/her own progress. The teacher is available to answer questions, assist the students when needed, review progress, and modify each program routinely.

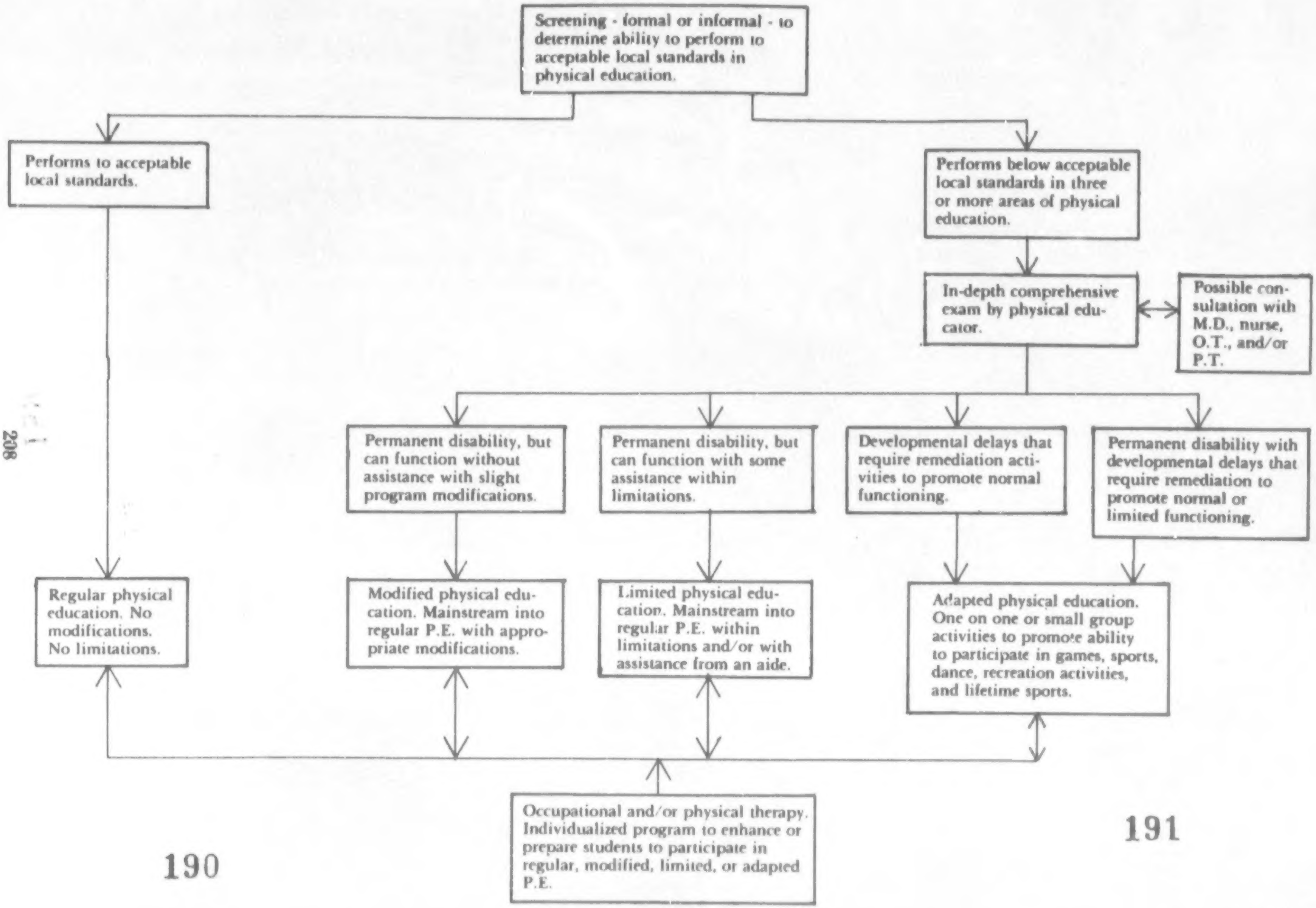
When *homogeneous grouping* is used, students are placed into the class on the basis of similar needs. For example, students with similar physical fitness deficiencies or a group of trainable mentally retarded students could be placed together for a common fitness program. When using this grouping technique, similarity of needs and ability to interact socially are more important placement criteria than either age or type of handicapping condition.

A combination of individual and group organization would provide opportunity for both individual and small group activity.

RELATED SERVICES

Because physical education is by definition a part of the required educational services to be made available for handicapped students, in some cases it may be appropriate for the related therapies such as physical therapy, occupational therapy, dance movement therapy, and recreational therapy to assist the physical education teacher. If deemed necessary, physical, occupational therapy, and/or dance movement should provide an individualized program to enhance or prepare a student to participate in regular, modified, limited, or adapted physical education. However, the physical, occupational, or dance movement therapists' services should not be used to substitute for regularly scheduled physical education. The progress of each student receiving physical, dance movement, or occupational therapy should be continuously monitored for evidence of the child's ability to be placed in an appropriate physical education class.

Delivery System for Physical Education for Handicapped Students


Screening - formal or informal - to determine ability to perform to acceptable local standards in physical education.
Performs to acceptable local standards.
Performs below acceptable local standards in three or more areas of physical education.
In-depth comprehensive exam by physical educator.
Possible consultation with M.D., nurse, O.T., and/or P.T.
Permanent disability, but can function without assistance with slight program modifications.
Permanent disability, but can function with some assistance within limitations.
Developmental delays that require remediation activities to promote normal functioning.
Permanent disability with developmental delays that require remediation to promote normal or limited functioning.
Regular physical education. No modifications. No limitations.
Modified physical education. Mainstream into regular P.E. with appropriate modifications.
Limited physical education. Mainstream into regular P.E. within limitations and/or with assistance from an aide.
Adapted physical education. One on one or small group activities to promote ability to participate in games, sports, dance, recreation activities, and lifetime sports.
Occupational and/or physical therapy. Individualized program to enhance or prepare students to participate in regular, modified, limited, or adapted P.E.

GLOSSARY OF SELECTED TERMINOLOGY

INTRODUCTORY STATEMENT

To further clarify and explain the terminology used in special education, a section of this Plan is concerned with definitions of pertinent terms. As cited in K.S.A. 72-961 and 72-962, any specialized terms and phrases used in this legislation are defined and will remain as stated *unless the context otherwise requires*. These definitions do not constitute a complete or total list, but are the most frequently used in reference to the Plan. In addition, some of these definitions and other terms are further expanded in the context and program areas of this Plan.

Adaptive Physical Education	Programs which have the same objectives as the regular physical education programs, but in which adjustments are made in the curriculum to meet the needs and abilities of exceptional individuals.
Annual Survey	A survey which obtains data necessary for review of the progress or lack thereof made in special education services for exceptional children and assesses future needs for providing special education services on a more comprehensive, expert, economic, and efficient basis. It fulfills the duty of the Department to conduct an annual survey of the school districts showing the total number of exceptional children within the various categories of exceptionality in the state. The data obtained determines the amount of money to be encumbered and reimbursement for pupil transportation, teacher transportation, and programs for exceptional children. Personnel lists shall verify the approval of special staff employed.
Art Therapy	A related service which provides therapeutic art for exceptional students; participation in the comprehensive evaluation process to assist in determining a student's handicapping condition through the art process; and the enhancement of skills in the areas of academic, perceptual motor, and verbal/nonverbal communication.
Audiology	A related service which identifies children with a hearing loss; determines the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; provides habilitative activities, such as language habilitation, auditory training, speech reading (lip reading),

	hearing evaluation, and speech conservation; and creates and administers programs for prevention of hearing loss.
Autism	A severe and pervasive life long developmental disorder which manifests itself before thirty months of age. Children and youth with autism exhibit chronic impairments in their ability to learn, communicate, and interact with others in their environment. These children are handicapped to such a degree, and so significantly incapacitated in their functioning, that special education and related services are almost always necessary. (For further information see the program section on PHYSICALLY AND OTHER HEALTH IMPAIRED.)
Categorical Service Unit	The unit which provides an array of placement options for learners within one of the categorical areas of exceptionality. While instruction focuses on commonly identified needs of the categorical grouping, attention is given to the various degrees of need and age levels of individual learners. Standards specific to the various areas of exceptionality are found in the appropriate program area sections of this Plan. Certification requirements for instructional personnel are set forth in *Regulations for Certifying School Personnel and Accrediting Institutions and Approving Programs Offering Teacher Education*. Together these requirements shall constitute the basis for State approval.
Comprehensive Evaluation	An evaluation which includes consideration of the school, home, and community. It shall be nondiscriminatory and multidisciplinary and shall include physical, psychological, and educational data.
Comprehensive Plan	A report of the current status of local special education services and a three-year projection of program revision or expansion. Each year as the district/cooperative implements the first year of its projected activities, the plan is updated and a new three-year projection made. This updated plan reflects progress made in special education services and changes in local needs. By August 15 of each year, each district or special education cooperative submits to the Special Education Administration Section an update or revision of its plan for providing comprehensive special education services.
Compulsory Attendance	When a determination has been made that a child is handicapped and that special education services are necessary, it shall be the duty of the parent or guardian to require the child to enroll for and attend the special education services which are indicated by such determination (K.S.A. 72-977).

Consulting Teacher Plan	A certified special education teacher whose role is to facilitate the maintenance of exceptional children in the regular educational setting with their peers as is appropriate to their special needs determined from the results of the comprehensive evaluation. The consulting teacher functions as an instructional specialist who may work across several areas of exceptionality.
Counseling Services	The related services which assist in the identification of students needing referral for special education evaluation; mainstreaming special education students into the regular educational program; and individual and group counseling/consultation with parents, teachers, and students to enhance the development of the individual.
Dance Movement Therapy	A related service which provides for the therapeutic use of movement as a process which furthers the emotional and physical integration of the exceptional student; participation in student assessment through movement observation, development of individualized movement programs and plans to achieve therapeutic goals based on students' demonstrated needs training and technical assistance as a resource to teachers and parents, staffing conferences with educators including support service personnel or treatment teams, evaluation of progress in dance movement therapy; and skill development in the areas of movement repertoire and expressive movement, verbal/nonverbal communication, social/behavioral, preacademic, academic, and total development through the movement process.
Deaf-Blind	Those individuals who have auditory and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot properly be accommodated in special education programs solely for the hearing impaired or the visually impaired individual. Although the deaf-blind have many of the same learning characteristics and needs as the severely multiply handicapped, they may not always be functioning at a severe or profound range of retardation.
Dependency Level	The acquirement of a range of behaviors which each mentally retarded individual can use in order to perform on an independent basis in some situations, while he/she will require assistance and/or support to perform in other situations. Since mental retardation occurs on a continuum, the ability to perform independently also occurs on a continuum. The dependency levels of this continuum range from independent performance through semi-independent, semi-dependent, and dependent to totally dependent performance.

Developmental Special Preschool	The schools that are operated within the state by private non-profit corporations or foundations serving handicapped children under school age as defined in K.A.R. 91-12-21 and that are approved by the State Department of Education.
Developmentally Disabled	An individual who has a handicap attributable to mental retardation or other handicapping condition or closely related specific functional disorder (specific learning disabled) and whose disability (1) has continued or can be expected to continue for an indeterminate period of time and (2) constitutes a substantial performance handicap for the individual.
Director of Special Education	The local principal administrator in the area of special education. There are specific training and certification requirements this individual shall have before he/she can be approved as a director. Some school districts or cooperative programs will have a director as well as supervisors for the various programs.
Educable Mentally Retarded (Semi-Independent Learner)	(See MENTAL RETARDATION section.)
Exceptional Children	Children who differ in physical, mental, social, emotional, or educational characteristics to the extent that special education services are necessary to enable them to progress toward the maximum of their abilities or capacities. This includes both handicapped and gifted children.
Full-Time Equivalent Teaching Unit	A time unit upon which reimbursement for programs is determined. One FTE equals 1,080 clock hours. Each approved paraprofessional unit shall be counted as one-half full-time equivalent special teacher.
Gifted	Those individuals who have potential for outstanding performance by virtue of superior intellectual abilities. The intellectually gifted are those with demonstrated achievement and/or potential ability. Individuals capable of outstanding performance include both those with demonstrated achievement and those with minimal or low performance who give evidence of high potential in general intellectual ability, specific academic aptitudes, and/or creative thinking abilities.
Guidance and/or School Counseling Services	A related service which assists in the identification of students needing referral for special education evaluation; mainstreaming special education students into the regular educational program; and individual and group counseling/consultation with parents, teachers, and students to enhance the development of the individual.

Handicapped Children	Children who are mentally retarded, hard of hearing, deaf, speech impaired, visually impaired, seriously emotionally disturbed, crippled, or who are health impaired and by reason thereof require special education and related services. Specific learning disabilities, language impaired, severely multiply handicapped/deaf-blind are also included in this category. (As defined in Federal legislation P.L. 94-142.)
Hearing Disorder/ Impairment	A loss of auditory functions sufficiently severe to affect the individual's ability to communicate with others or to develop communicative and/or learning skills.
Homebound and Hospitalized	Persons who cannot attend school due to a short or long-term disability and who receive educational services from approved instructors within a home or hospital setting. Such disabilities may include injuries, diseases, or any other conditions requiring home or hospital confinement.
Integrated Special Classroom Program	A special education program in which the exceptional child is assigned to a special class, but receives most of the academic instruction in regular classes.
IEP	The individualized education program which is a written statement of the special education and related services needed by a child based on his/her current level of functioning. It assigns responsibility for the delivery of these services, sets forth the anticipated changes in the child's behavior, and describes how these changes will be measured. Parents and, when feasible the child must be given an opportunity for active participation in its formulation.
Interlocal Agreements	Any legal entity which relates to education services and is limited to one or more of the following: special education, vocational education, career education, media services, curriculum development, and inservice training for staff programs. School districts may enter into interlocal agreements and establish a separate legal entity to provide certain educational services. (K.S.A. 12-2904 and K.S.A. 72-8230.)
Interrelated Service Unit	The service unit where children with similar learning characteristics and needs but from two or more categories of exceptionality are provided services in the same educational program. Instruction takes place in a multicategorical setting with a teacher trained in at least one of the exceptionalities served. Instruction focuses on the common learning characteristics or curricular needs of

the students, with individual consideration for needs arising from specific categorical characteristics. (Standards specific to interrelated service units are found in the STATE APPROVAL OF SPECIAL EDUCATION PROGRAMS section of this Plan.)

Itinerant Teacher Plan	The itinerant teacher who provides direct service to learners enrolled in the regular classroom. The major role of the itinerant teacher is to provide specialized individual and small group instruction, although some time is devoted to consulting with regular teachers.
Language Disorder and/or Impairment	Children whose basic communication system — whether verbal, gestural, or vocal — evidences disorders, deviations, or general developmental needs in language, speech, fluency, or voice quality and hinders their academic learning, social adjustment, self-help skills, or communication skills.
Least Restrictive Alternatives	Sufficient educational alternatives to meet the diverse needs of children and youth with various types and degrees of exceptionality. School districts must implement a service continuum which provides an array of placement options for exceptional learners. The total program developed by each school district or special education cooperative or in conjunction with other agency services must include a series of service levels, as needed, on a progressive scale from least to most intensive, and provide in accordance with the least restrictive environment principle.
Least Restrictive Environment	An environment in which the student can achieve the highest levels compatible with his/her capabilities. It may be an intensive level of service but should not, for reason of the exceptionality alone, remove the student completely from the mainstream of activities of his/her age peers.
Local Education Agency	A political subdivision of the state which is responsible for providing education to exceptional children, such as a school district, special education cooperative, interlocal entity, State school, or State institution.
Mandate	A legislated requirement for action. In relation to special education services, the mandate requires the provision of special education services for all exceptional children.
Medical Services For Diagnostic and Evaluation Purposes	The identification/diagnosis of medically related handicapping conditions which result in the individual's need for special education and related services.

Mentally Retarded	The limitation of mental ability which differs in both degree and quality to the extent that special assistance is necessary to aid the individual in the acquisition of understandings and skills for coping with environmental situations. (See the expanded definitions in the MENTAL RETARDATION section.) Each mentally retarded individual acquires a range of behaviors which he/she can use in order to perform on an independent basis in some situations, while he/she will require assistance and/or support to perform in other situations. Since mental retardation occurs on a continuum, the ability to perform independently also occurs on a continuum. The dependency levels of this continuum range from independent performance through semi-independent, semi-dependent, and dependent to totally dependent performance.
Semi-Independent Learner (Educable Mentally Retarded)	An individual with mild retardation in intellectual development. (See definitions in MENTAL RETARDATION section.)
Semi-Dependent Learner (Trainable Mentally Retarded)	An individual with moderate retardation in intellectual development. (See definitions in MENTAL RETARDATION section.)
Music Therapy	A related service which utilizes music to affect the restoration and maintenance of mental and physical health; the participation in pupil assessment, goal formulation, program development, and program implementation; and the enhancement of skills in the areas of communication, social/behavioral, preacademic and academic, and perceptual motor through the music process.
Normalization	The principle of helping handicapped individuals to obtain a life experience as close to the normal as possible by making available to them patterns and conditions of everyday life.
Occupational Therapy	A related service which provides for the remediation, restoration, or compensation for functions lost through illness or injury; the adaptation or modification of materials or equipment to give a student increased independence; the prevention of initial or additional deformity or disability through early intervention and programming; and the improvement of ability to perform tasks for independent functioning when functions are impaired or lost.

Paraprofessional	A special teacher who is qualified to assist certificated teachers in the instruction of exceptional children as determined by standards established by the State Board of Education and who is so approved by the State Board of Education.
Parent Counseling and Training	The related service designed to assist parents in understanding the nature and implications of their child's or youth's exceptionality; to provide training in child development and management techniques for meeting the specific needs of an exceptional child or youth; and to provide information on community resources.
Personal & Social Adjustment Problems (Emotional Disturbance)	Individuals who manifest marked behavior excesses and/or deficits which persist over a period of time. Behavior excesses and deficits include aggressive and/or anti-social behaviors which are intended to agitate and anger others or to incur punishment, inappropriate and/or uncontrolled emotional responses, persistent moods of depression or unhappiness, withdrawal from interpersonal contacts, and behaviors centrally oriented to personal pleasure seeking with little or no regard to the consequences of any acts. These behaviors, if they cannot be explained by intellectual, physical, or sensorial reasons, may be indicative of emotional disturbance, mental illness, or social maladjustment.
Physical Therapy	A related service which provides for the assessment of children and youth whose physical handicap, motor deficit and/or developmental delay interfere with the learning processes and physical management of the school environment; the consultation and treatment of identified children and youth which may include training of developmental motor skills, ambulation and gait training, postural awareness, use of wheelchair, orthoses (braces), and other assistive devices; the adaptation or modification of materials or equipment to give a student increased independence; and the prevention of initial or additional deformity or disability through early intervention and programming.
Physically and Other Health Impaired	Children and youth with physical and other health impairments whose physical disabilities restrict or prevent them from experiencing meaningful/productive participation in regular educational programs without special education assistance. One or more special education services may be required to assure optimum participation in the total instructional environment. The physical and health impairments are further clarified as follows:

Physically Impaired . . .	A severe physical disability which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (i.e., spina bifida, absence of some member), impairments caused by disease (i.e., bone tuberculosis), and impairments from other causes (i.e., fractures, burns which cause contractures, amputation, cerebral palsy and other dystrophies and atrophies).
Other Health Impaired.	Limited strength, vitality, or altertness that interferes with a child's participation in educational experiences. The term includes impairments caused by chronic or acute health problems, such as heart condition, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophelia, epilepsy, lead poisoning, leukemia or diabetes. Autistic conditions which are manifested by severe communication and other developmental and educational problems are included in other health impaired. (See OTHER HEALTH IMPAIRED section.)
Procedural Due Process	Procedures which ensure equal educational opportunities for all children including those who are exceptional. Specifically, exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement.
Recreation	The related service which assesses leisure function, provides therapeutic recreation services including play, encourages recreation programs in school and community agencies, and instructs in leisure education.
Related Services	The services that are required to assist an exceptional child to benefit from special education. The Kansas State Department of Education recognizes for reimbursement those related services specifically listed in P.L. 94-142; art therapy, audiology, counseling services, dance movement therapy, medical services for diagnostic or evaluation purposes, music therapy, occupational therapy, parent counseling and training, physical therapy, [school] psychological services, recreation, school health services, social work services, speech/language services, and transportation. Requests for reimbursement for any other services will be reviewed and approved or disapproved on an individual basis. All related services required to assist the child or youth in the educational setting should be utilized, including interpreters for non-English speaking students during the diagnostic process; but not all related services may be necessary for each individual.

Residential Program	A special education program that is conducted within a residential facility.
Resource Room Plan	A plan in which the exceptional learner is enrolled in a regular education program, but goes to a specially equipped room to receive part of his instruction from a special teacher. The resource room teacher is responsible not only for his/her own classroom, but also for maintaining communication with students' regular classroom teachers. Like the itinerant teacher, he/she provides both instructional and consultative services.
School Age for Exceptional Children (K.S.A. 72-962)	The age at which the local board of education provides educational services for nonexceptional children. Services for preschool children are authorized, but not mandated and nothing herein shall be construed to prevent the use of local funds or State Special Education Categorical Funds for such preschool programs. Services shall be extended through the school year during which the exceptional student reaches age 21 or until he/she has completed a local curriculum, in accordance with the State Board of Education standards, whichever event shall first occur.
School Health Services	The related services which provide for the development, maintenance, and updating of individual records on every student with system of recording for identification of major health problems; the development and implementation of a plan of care for all students with major health problems, i.e., catherization, administering of medications, changing of dressings; the liaison to the family, the physician, and other involved agencies; the promotion of wellness through health education; and the promotion of staff inservice education and training on special health problems.
School Psychological Services	Means special services which provide consultation with other school staff in planning individual programs to meet the special needs of children as indicated by interviews, behavioral evaluations, and tests; the administration and interpretation of psychological and educational tests; the consultation with teachers and other school staff concerning child behavior, modes of learning and the development of a positive learning climate; and psychological counseling for children and parents. (For further information see the program section on SCHOOL PSYCHOLOGICAL SERVICES.)
School Residence	An individual may establish school residence as determined by the guidelines outlined in K.S.A. 72-1046. Whenever an exceptional child is educated in another district or in a special purpose school under the provisions of K.S.A. 1977 Supp. 72-967, such child shall be considered a pupil of the school district in which he/she is a legal resident.

School Social Work Services	The related services which provide for social assessment of the handicapped student; group and individual counseling with student and family; assistance with those situations in the student's living environment (home, school, community) that affect the student's adjustment in school; and the mobilization and coordination of home, school, and community resources to enable the student to receive the maximum benefit from his or her educational program. (For further information see the program section on SCHOOL SOCIAL WORK SERVICES.)
Semi-Independent Learner (Educable Mentally Retarded)	(See MENTAL RETARDATION section.)
Severely Multiply Handicapped/Deaf-Blind	Individuals who demonstrate severe/profound functional retardation in addition to severe sensory and/or motor disabilities, severe emotional disturbance, chronic health conditions, or severe communication disorders. The following characteristics are frequently associated with this low-incidence population; severe motor involvement; absence of feeding, dressing, grooming, and/or toileting skills; failure to imitate simple actions of others, follow simple directions, communicate, guard against common physical dangers, or interact appropriately with the physical or social environment; and stereotypic and/or self-injurious behaviors. These characteristics prohibit or severely limit successful progress in a special program designed to accommodate a single major handicap.
Special Class	An educational program in which learners are enrolled in a special classroom for instruction which meets their exceptional needs.
Special Education Cooperative Agreements	A plan whereby the boards of two or more school districts within or without the state may enter into an agreement to provide special education services *on a shared-cost basis*. In these agreements, one district shall be designated the sponsoring district; the remaining district(s) shall become participating districts. The board of education of the sponsoring district is the legal body of the cooperative under the Special Education for Exceptional Children Act for the purpose of operation and administration in providing education services. It is strongly recommended that special education cooperative be comprehensive (include a full range of services).

Special Education Instructional Materials Centers (SEIMC)	A center which provides media resources in support of special education programs. The SEIMC supplements rather than supplants the districts obligatory provision of those supplies and equipment required to meet the needs of exceptional learners.
Special Purpose School	The schools that are accredited private nonprofit corporations or foundations serving exceptional children within or without the state of Kansas or accredited State institution education programs within or without the state which serve exceptional children.
Special Teacher	1. A teacher who is employed by a school district for special education services and who is certified by the State Board of Education to instruct exceptional children. 2. Special education supportive personnel certified by the State Board of Education, such as school psychologists, school social workers, speech clinicians, audiologists, and guidance counselors. 3. Special education supportive or instructional personnel, such as occupational therapists, physical therapists, work placement or rehabilitation specialists, music therapists, dance movement therapists, art therapists, and nurses who hold current certification from their respective licensing or registering agents appropriate for their special work. 4. Other supportive or instructional personnel for which there is no licensing or registering agent approved on an individual basis by the Special Education Administration Section because they are employed to work with exceptional children and are recommended for such employment by their parent training institution (for example, adaptive physical education, perceptual motor, recreation, early childhood). 5. A paraprofessional who is qualified to assist certificated teachers in the instruction of exceptional children as determined by standards established by the State Board of Education and who is so approved by the State Board of Education.
Specialized Equipment	Any unique instructional media not ordinarily available to all students, but needed by the student for learning.

Specific Learning Disability	A specific disorder in the ability to learn effectively in respect to one's own potential when presented with an appropriate regular instructional environment. The ability to learn effectively is manifested as a disorder in an individual's ability to receive, organize, or express information relevant to school functioning, and is demonstrated by a significant discrepancy between an individual's general intellectual functioning and achievement in one or more of the following areas: preacademic skills, oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, and mathematics reasoning. Learning disabilities do not include learning problems which are due primarily to vision, hearing, or motor impairments; mental retardation; emotional disturbance; environmental, cultural, or economic disadvantage; or a history of an inconsistent education program.
Speech and Language Services	The services which provide for the identification of students with speech and language disorders; the diagnosis and appraisal of specific speech and language disorders; the referral for medical or other professional attention necessary for the habilitation of speech or language disorders; the provisions of speech and language services for the habilitation or prevention of communicative disorders; and the counseling and guidance of parents, students, and teachers regarding speech and language disorders. (For further information see the program section on SPEECH/LANGUAGE SERVICES.)
Sponsoring District	The district serving as the administrative unit in a special education cooperative agreement.
State Institutions	The State institutions which are Topeka State Hospital, Osawatomie State Hospital, Larned State Hospital, Rainbow Mental Health Facility, Parsons State Hospital and Training Center, Norton State Hospital, Winfield State Hospital and Training Center, the Youth Center at Atchison, Kansas Neurological Institute, the Youth Center at Topeka, the Youth Center at Beloit, Kansas State School for the Deaf, and Kansas State School for the Visually Handicapped.
State Plan	A framework of operation which includes rules and regulations for the establishment, maintenance, and supervision of special education services in school districts and State institutions; standards for screening, diagnosis, and placement of exceptional children; and standards for program approval. The State Plan for special education services is authorized by K.S.A. 72-963 of the Special Education Act.

State Special Education Advisory Council	A lay and professional advisory council consisting of nine members appointed by the State Board of Education for a term not to exceed two full terms (three years per term). This council offers advice, consultation, and recommendations to the State Board of Education on matters concerning special services for exceptional children.
Supervisor	An individual who supervises and coordinates the activities of an area of special education. This person is usually directly responsible to the director of special education and is actively engaged in curriculum development and supervision of instruction.
Transportation	As related to exceptional children, transportation includes traveling to and from school, between schools, and around school buildings. Specialized equipment may include special or adapted buses, lifts, and ramps.
Visually Impaired	Limited vision which interferes with educational and/or developmental progress. Two divisions for the visually impaired can be made.
Partially Seeing	Those individuals whose visual limitation constitutes an educational handicap, but who are able to use print as their primary educational medium.
Blind	Those individuals who must depend primarily upon tactile and auditory mediums for their education. The group may include individuals who have some residual vision, but whose vision loss is so severe that, for educational purposes, print cannot be used as the major medium of learning.

STATE BOARD OF EDUCATION GOALS

1. The Kansas State Board of Education will provide equal educational opportunity to encourage each student within his/her developmental ability in -
   - Attaining the optimum skills of reading, writing, speaking, listening, computation, and problem solving.
   - Developing an awareness of career opportunities and appropriate work habits to succeed in the world of work, including sheltered work environments.
   - Acquiring a general education.
   - Attaining knowledge and skills to qualify for further education, employment, re-employment, or rehabilitation.
   - Learning the rights and responsibilities of parents and family; the knowledge to achieve and maintain emotional, mental, and physical health; and the processes of effective citizenship.
   - Developing a literacy of technology and computers.
2. The Kansas State Board of Education will advocate quality education by:
   - Strengthening accreditation standards of schools.
   - Encouraging institutions of higher education to strengthen teacher preparation programs.
   - Formulating policies which provide programs, facilities, and institutions.
   - Implementing evaluation measures which will provide program and student information to decision makers at all levels.
3. The Kansas State Board of Education will encourage the professional growth of educators by:
   - Approving teacher preparation programs which meet the needs of the Kansas education community.
   - Providing certification procedures which reflect the needs of the teaching profession, school districts, and students.
   - Promoting the development of state approved inservice programs at the local school district level.
4. The Kansas State Board of Education will promote curriculum improvement by:
   - Providing technical assistance to local school districts.
   - Disseminating reports and information about applied research in education.
   - Identifying and recognizing outstanding local school district curriculum programs.
5. The Kansas State Board of Education will promote effective legislation and financial services to local education entities by:
   - Identifying areas of educational need.
   - Proposing legislation to meet identified educational needs.
   - Distributing fiscal resources fairly and equitably.
   - Adopting reporting and funding processes that encourage accountability at all levels.